AMERICAN COMMONWEALTHS

★ LOUISIANA ★

11.13.65.

Library of the Theological Seminary

PRINCETON, N. J.

Division F369
.P53

Section

American Commonwealths

LOUISIANA

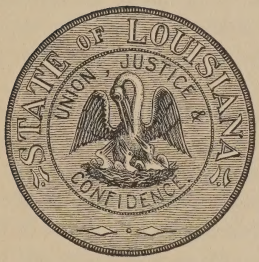
American Commonwealths

LOUISIANA

A RECORD OF EXPANSION

BY

ALBERT PHELPS



BOSTON AND NEW YORK
HOUGHTON, MIFFLIN AND COMPANY
The Riverside Press, Cambridge
1905

COPYRIGHT 1905 BY ALBERT PHELPS
ALL RIGHTS RESERVED

Published October 1905

PREFACE

UNDOUBTEDLY the earlier development and primary importance of the original thirteen English colonies, which formed the nucleus of the present United States, justify all the attention that has been given to their institutions, and even the somewhat exclusive prominence which they maintain in popular histories and in the mind of the general reader; but a glance at a map which pictures the expansion of the country by territorial acquisition, and the miraculous peopling of the wilderness, reveals a vast process of which the whole history of the first Federation of States yields only an embryonic suggestion.

The Latin settlements in the Mississippi Valley, designed as they were by France to restrict the English colonies between the Atlantic and the Alleghany Mountains, threatened the coherence of the feeble Federation of States, checked the drift of pioneers that instinctively bore the destiny of the nation ever westward, and, even as late as 1803, offered a dangerous and alluring scheme of conquest to Napoleon. The mere fact that the possession of the Mississippi Valley by a foreign power prevented, and would forever prevent, the United States from becoming an equal nation among the powers of the earth, gives the final acquisition of this wide territory an importance fully as great as the act of independence which definitely committed the confederate colonies to a destiny free from European control. In the records of Louisiana,

one finds, also, the story of the final conflict of Latin against Saxon for the domination of North America; and thus the history of Louisiana becomes a leading episode in the vast western movement of the Anglo-Saxon race — one of the triumphant incidents in the slow unification of humanity.

The main theme of the present volume is the attempt to trace this episode in broad lines. In Gayarré's English "History of Louisiana" and in Miss King's "New Orleans" the romance and individual peculiarities of Louisiana are accessible. But there seemed need of a critical handbook that should give a running commentary upon the whole narrative, fixing the place of the State as an individual in the union of commonwealths, and emphasizing the part which it has played in the development of the nation and of national and international policies, in the hope that other readers than Louisianians may find matter that concerns every citizen of the country.

Naturally, so large a theme, when compressed within the present limits, must be handled with frequent disregard of details. Nevertheless, although the special student may find little in the book that is likely to be new to him, — so far as the facts are concerned, — and although only a small part of the material examined and collected could be used, still the volume as it stands has been based entirely upon examination of the original sources. It had been possible occasionally to bring forward new particular facts of more or less importance to the special student, but this temptation has been set aside with a view to making the book more useful and interesting to the general reader.

The result is the sifting of much crude matter of fact collected from many sources; but the bulk of the material used in the book itself has been found in the extensive

Louisiana collection of Mr. Gaspar Cusachs, of New Orleans, in the manuscripts owned by the Louisiana Historical Society, and in newspaper files and official records, with several important additions from the papers of Judge Gayarré, kindly put at my disposal by Mrs. Gayarré through Miss Grace King, to whom the book owes much more than can be reckoned in a mere acknowledgment of indebtedness.

A. P.

New Orleans, 3 October, 1905.

CONTENTS

CHAPTER		PAGE
I.	Early Exploration of the Mississippi Valley and the Gulf of Mexico	1
II.	First French Settlements in Louisiana	21
III.	John Law and the Mississippi Bubble — Seat of Government at New Orleans	52
IV.	Louisiana a Royal Province — Cession to Spain	88
V.	The Revolution of '68	106
VI.	Spanish Reconstruction — Louisiana and the American Revolution	127
VII.	Louisiana in International Diplomacy	149
VIII.	Louisiana acquired by the United States	178
IX.	Description of the Ceded Territory — Disputes in Congress over its Admission	197
X.	Louisiana a Territory of the United States — The Burr Conspiracy	222
XI.	The War of 1812 and the Battle of New Orleans	252
XII.	Political and Economic Troubles leading to Secession	284
XIII.	Civil War and Defeat	308
XIV.	Congressional Reconstruction and Military Rule	334
XV.	The Fight against "Carpet Bag" Rule	362
XVI.	Summary and Conclusion	393
	Index	401

LOUISIANA

CHAPTER I

EARLY EXPLORATION OF THE MISSISSIPPI VALLEY AND THE GULF OF MEXICO

TOWARDS the close of the fifteenth century a new era of exploration had marvelously extended the physical and mental horizon of the world and laid open dazzling new fields for conquest and colonization in Africa, in Asia, and in the Americas. Almost simultaneously the long process of political centralization, which for many generations had been removing the feudal characteristics of governments, had then put the power of each of the chief monarchies of Europe into the hands of strong kings; nations had been born as unified governments, as organic masses; and, for the first time since modern Europe had risen from the fragments of the Roman Empire, international policies began to come into prominence. Almost at the moment when a universal spirit of activity and zeal for wider knowledge had roused the whole world to a sense of new needs, and when each of the lusty new powers had begun to dream itself an empire, came Columbus back from his voyage into the unknown with almost incredible tales of golden islands beyond the farthest rim of the western seas. Thus, at the one point of destiny towards which the retrospective view of history unfolds the progression of a twofold converging succession of events, the need and the power met; and, as just such an analogous combination of circumstances resulting from Roman conquest made possible

the marvelous spread of Christianity, so an equally vast process of evolution prepared for the discovery of new worlds and made that event serve, as if by design, the end towards which the political growth of European nations had been shaping.

The inevitable result — national expansion — brought about the tremendous series of international wars which for hundreds of years have kept the balance of power unstable and changed the character of modern history. Henceforth the histories of the several nations became inseparably international. The first explorations rapidly lost their imaginative and religious motives for others more purely political and practical; and the first wars of the new period ceased to be, as they had been hitherto, either feudal or religious, and became, in the modern sense of the word, political and economic, and were destined to be fought out finally in those very lands which exploration and colonization soon made the field of newer and wider policies. Pope Alexander the Sixth, by his famous Bull of Demarcation issued after the return of Columbus, had divided the new lands, whose vastness was all unguessed, between Spain and Portugal; but no earthly power might restrain or guide within fixed bounds the sudden flood of migration from Europe to the west. As early as 1497 the English had established a claim to North America by the discoveries of Cabot; and throughout the whole of the sixteenth and the first half of the seventeenth centuries, during the period occupied by the growth of the Empire through the power of Spain and Austria under Charles V, by the Reformation and the Thirty Years' War, each of the powers sent expeditions into the ever widening region of the New World, regardless of all claims save the imperative need which drove the whole race to this greatest migration of all its wandering history. Out of the maze of tangled motives, wars, alliances, and the rise and decline of Spanish, Austrian, and Swedish influence, the two

great protagonists of the drama slowly stand forth — France and England. In North America and in India, as well as in Europe, these two powers were gradually brought face to face in final conflict. The power of France at last hung upon the possession of the valley of the Mississippi and the domination of the Gulf of Mexico; and thus the history of Louisiana, even to the time of Napoleon Bonaparte, is chiefly the narrative of the attempt of France to check the growing power which England was arming against her throughout the world. Outside and above the smaller internal history of Louisiana rolls the vast struggle of the nations, while the young colony, remote from the scene of conflict, remains almost passive, as if conscious that another destiny awaited it unguessed by the rivals that shed their blood to possess it.

The history of Louisiana, therefore, practically begins with the French expeditions of exploration which emanated from Canada in the latter part of the seventeenth century. It is true that the Spaniards had traversed a great part of the country, but their expeditions had been barren of results, and in so far as they bear upon the subsequent story of the French province of Louisiana may be summarized in a few words. The expedition of De Leon, in 1513, had not only failed to find the Fountain of Youth, but had not even determined whether Florida itself was an island or a part of the mainland. In 1519, Francis de Garay had sent Alonzo Alvarez de Piñeda from Jamaica to explore the northern shore of the Gulf. Piñeda had skirted the coast from St. John's River in Florida to Mexico, and had discovered the mouth of a great river which his map names Rio del Espiritu Santo and which may perhaps indicate the Mississippi. In 1527, Panfilo de Narvaez received from Charles V a grant to all the northern coast of the Gulf and set out to explore it, but he and his whole party were lost, with the exception of Cabeza de Vaca, two of

the men, and a negro slave, who finally reached the Spanish outposts on the Mexican frontier after almost ten years of wandering in the wilderness. The accounts of the country which De Vaca gave out and the things he said, or, rather, did not say, but mysteriously hinted, gave the impulse to the brilliant expedition which De Soto, in 1539, led from Florida across the present states of Georgia, Alabama, and Mississippi to the Great River and over into the present state of Louisiana; but this exploration, too, came to naught, for at the death of the commander his followers knew but one desire, to get out of the country as quickly as might be; and the long march through western Louisiana under the leadership of Muscoso, the return, the descent of the Mississippi, and the voyage through the Gulf to Panuco were all so hastily made that but little observation was taken that might serve to guide subsequent explorers. The fatal hope of finding a repetition of the spoils of Peru and Mexico had been the only motive of these early expeditions and had been the chief cause of their failure. Nevertheless, the Spaniards, until they were finally aroused to jealousy by the later explorations and claims of the French, made no attempt to colonize the Gulf coast, with the exception of the settlement established by Tristan de Luna in 1559, at what was called the Bay of Ichuse; but this settlement was abandoned and the actual situation forgotten, for the power of Spain had already begun to decline perceptibly, and she was soon too much busied with the struggle for the retention of what she held to make further large attempts to extend her already vast colonial domain. The destruction of her Great Armada, in 1588, overthrew her naval supremacy; and England, freed from this menace, began to graft permanent establishments upon the eastern seaboard of North America. The time of England's great power, however, was not yet come, and in the story of the rise of France lies the story of the Mississippi Valley.

The Peace of Westphalia, in 1647, marks the beginning of the supremacy of France among European powers, for upon her had fallen the chief burden and glory of defeating the Empire. In the impulse given to her national growth by the consciousness of this new ascendency, her attention was naturally directed more than heretofore towards North America, where the early explorations of Cartier and Champlain and her establishments in Canada at Port Royal, Quebec, and Montreal gave her a claim and a firm hold upon a promising territory. North of the Gulf of Mexico, she had but one serious rival, in the English colonies; but these, clinging in a narrow strip to the Atlantic, left free the unknown region of the interior of the continent, and their apparent insignificance gave but little indication of their inherent strength and capability of growth. The new reign of Louis XIV saw the first serious attempts of France to hold the continent of North America, and to meet and check the efforts of England in the same direction. From the establishments in Canada, the path of French exploration and colonization was forced by the position of the English colonies to move westward up the St. Lawrence, and led, as it were, by what might be called a natural predestination, to the discovery of the Great Lakes and of the valley of the Mississippi, bending completely about and half encircling from Canada to the Gulf of Mexico the territory claimed and held by England. From the ambition of Louis XIV and the young enterprise of Canada, therefore, spring the first sources of the story of Louisiana, named, as it was, for the Great Monarch, and intended to tighten in strangling growth about his one great rival for the possession of the western world.

Perhaps because of the same physical necessities which laid out so definitely the direction of French expansion, as much as from any differences of racial temperament, their methods and tactics in the whole struggle about to

commence were in striking contrast with those of the English.

The English colonies were peopled chiefly by emigrants who sought homes and liberty. Permanent settlements and governments were established at once. There was little time or desire to explore, for too much work had to be done about the young villages. As a result, these colonies remained near the seacoast, traded but little inland, had few friendly relations with the natives, and expanded slowly in extent of territory; but population increased rapidly, the wild land was brought under profitable cultivation, towns and villages sprung up in numbers, and the spirit of independence developed by the zest of their vigorous life showed itself in their customs and government.

France, on the contrary, sent out few colonists of the right sort. The policy of the priest-ridden government was to keep Canada Roman Catholic. Followers of that creed were allowed to go there freely; but, as they were likewise the favored class at home, few of these had reason to emigrate, and those few were often the least useful as colonists. Had the country been open as a refuge to the Huguenots, New France might have been settled as quickly and thoroughly and much in the same manner as New England had been by the Puritans; but, as this was not permitted, Canada, for many critical years, depended for population upon the roving adventurer and the religious zealot. It thus came about that New France practically depended for its existence upon the fur-trade and the Jesuit propaganda; and thus, while the early history of French expansion in America is a record of daring and brilliant exploration, colored with endless romance and thrilling with spectacular heroism, both fur-trader and priest pass as mere transients, clearing the way to the west for the steady Saxon, who stopped to plant firmly his home, his school, his courthouse, and his fort before his sons went out into the

wilderness. For the young Frenchman of spirit there was but little occupation. Government offices were few and, by their very nature, scarcely to be desired; there was but little tilling of the soil, and, moreover, that source held out no promise of quick wealth which might enable the possessor to return to Paris and cut a figure in that brilliant city; and even the fur-trade was hampered by attempted restrictions which authority was supposed to have placed upon it for its own advantage and profit. The vast shades of the illimitable forest, however, and the strange new life of the Indian villages, the wild hunting-parties of the savages, and the promise of novelty in the not unwilling eyes of the Indian girls, held out hints of romantic adventure that were irresistible to those young imaginations already fired to a keen temper in the vivid life of the France of that dashing age. Then, too, in that secret wilderness, no eye of governor or intendant might count the number of rich beaver skins that changed hands for a few bright beads or a swig of heart-softening brandy; and the laws of companies and governments might be as lightly forgotten in that easy profit as the frowns of the solitary black-robed Jesuit might be dissipated in the laughter of the Indian girls. The charms of life in the merry greenwood were the charms of hell in the eyes of parents, priests, governors, and directors of companies; but into the wilderness the young men went, and in such numbers that the weak settlements were all but depopulated of robust youth. Bushwhackers, runners of the woods, *coureurs de bois*, they were called. Wherever the Indians went they followed, by stream or lake or obscure forest-trail. They became hardy fighters, invaluable as guides and scouts, they did the best fighting in later wars with the English, and in after years even built themselves strong forts, such as Michillimackinac and Detroit; but for the most part they lived a savage, wandering life or sported in the native villages, to the horror and disgust of the priests.

Sometimes, dressed in gorgeous finery, or often as naked as the Indians themselves, they would return to the settlements to dispose of beaver skins, to drink and swagger, and show their contempt for the *bourgeois habitants*. These picturesque young men, despising marriage and commonplace labor, were of little use to the growing and needy colony; but upon their wanderings France was to base her claim to the interior of the continent.

Equally as daring, though from far different motives, and almost as far-wandering as the *coureur de bois*, was the Jesuit missionary. To the priest, the vague inland wilderness was a land of heathendom and spiritual darkness, a land abandoned to the actual possession of the devil. To win this unholy domain to subjection to Christ and to save the abandoned souls of the doomed savages was the glorious vision that dazzled the eyes of the early missionary, and everywhere the indomitable Jesuit scouted in advance of the army of salvation. To his overwrought enthusiasm and fired imagination the supernatural powers of darkness were as real and as potent as they were even to the superstitious Indian. In the horrid glooms of the forest, the solitary priest saw many a demonic apparition, sometimes in the shape of men, sometimes in the forms of wolves or wildcats, sometimes in the yet more dangerous shape of woman. The same religious superexcitation which multiplied these supernatural obstacles produced a corresponding number of miracles and heavenly interventions, so that the "Relations" of the Jesuits read like tales from the lives of mediæval saints. But, aside from supernatural dangers and miraculous works, there was fully enough of real peril and of actual achievement to win for these early missionaries a high place among the French explorers.

Priest after priest broke the health of his body at this life, and many a one met a more certain martyrdom at the hands of the savages; but nothing held them back, — not famine, nor cold, nor fatigue, nor fire and torture,

nor even loneliness and failure. Fearlessly the black robe went into the very stronghold of Satan, into the filthy hovels of the Indians, suffering their obscene jokes and mockery, serving the needs of soul and body, tending their sick in the hopes of turning a parting soul from hell, baptizing in secret and even by tricks that were often ludicrous the unsuspecting infants, preaching and teaching whatever the minds of his flock would receive or their patience tolerate. One by one they met the hideous deaths to which each of this indomitable advance guard seemed almost inevitably doomed, Brébeuf and Lallemant by torture and at the stake, De Nouë in the snow, Jogues after the most hideously prolonged agony, from which he escaped only to return again though he knew that his death was certain, Chabanel, Garnier, and many another. Some, like Brébeuf and Jogues, suffered with an adamantine stoicism that astonished even the hardened savages, others, like the feeble Lallemant, with shrinking nerves and agony that was not wholly physical, but all with unhesitating bravery and unfailing heroism; and to their wonderful zeal the greater obstacles only made the hoped-for victory seem greater and more sublime, and the greater martyrdom of the body meant only the greater reward of the eternal soul.

Like the *coureurs de bois*, though in a different way, the Jesuits served to cement a friendly relationship between French and Indian and did inestimable service in softening the temper of the savage tribes and clearing the path for the explorer and settler. Though they failed of their chief aim, and though later on they departed from the unworldly motives of the earlier martyrs, brought scandal upon the Order, and were a stumbling-block in the way of such men as La Salle, still they sowed some seeds of civilization, and made even the mind of the savage feel and trust the benignant policy which always guided France in her dealings with the natives. Thus, while the wild *coureurs de bois* scouted

in advance of the colonist, the indefatigable Jesuits, insinuating their way into the very heart of Indian life, left there an influence which made more easy the spread of French power over the West and helped to explain that peaceful hold upon the native tribes which is perhaps the chief glory of French colonial history.

The national government was slow to take advantage of the chance discoveries made by these men and formed no consistent colonial policy. Nevertheless, until the attention of Louis XIV was finally caught by the discoveries within the territory called Louisiana, private enterprise of Canadians continued to push French claims farther into the West. Among these many enterprises we are here concerned only with those which contributed to the discoveries upon which France based her claim to the valley of the Mississippi.

The old hope of finding a water-way to the western ocean, and thus an easy trade-route to China and Japan, had not been abandoned, and therefore the adventurers who were attracted to the region of the Great Lakes with the hope of trading in furs and discovering copper mines were also eager to find in the tales of the savages some clew to that western passage. In this way, about the year 1634, Jean Nicollet, an interpreter and indefatigable bush-ranger, almost stumbled upon the Mississippi [1] while on a journey to make a treaty of peace between the friendly Hurons and a tribe of wandering Winnebagoes then living near Green Bay on the western shore of Lake Superior. He brought back the exciting report that his guides had assured him that the Wisconsin River emptied into a "great water." This he supposed to be the Western Sea, and so the Canadians believed when the account of his journey was blown about the settlements; but the Indians meant, of course, the Mississippi.

Unfortunately, an outbreak of Iroquois hostilities prevented further exploration for some years. When

[1] Père Vipont's *Relation for 1640.*

peace was again made, in 1654, traders and priests began to push westward once more. In 1659, the Sieur des Groseilliers, one of the most energetic of the *coureurs de bois*, reached the upper end of Lake Superior, and journeying thence westward for about six days met some wandering tribes who told him of "a beautiful river, long, wide, deep, and comparable, so they say, with our great river, the St. Lawrence." In a second journey, a year later, Des Groseilliers was accompanied by Father Ménard, who was lost in trying to find the Hurons in the marshes of Wisconsin. In after years traces of him were found among the Sioux, and Perrot relates that Father Ménard followed some Ottawas into Louisiana. If this were the case, the priest Ménard was the first Frenchman to see the Mississippi. Father Allouez, who succeeded Ménard, explored a portion of the Lake country, and he too heard from the Sioux of the great river, the "Messipi" as he calls it; and his accounts gave new stimulus to the hope of finding a water-way to the Western Sea or to the Gulf of California.

The able Intendant Talon now took up the matter in correspondence with Colbert, the great minister and secretary of state to Louis. Talon foresaw the inevitable conflict which must take place between the opposing claims and interests of France and England in America, and to him the weakness of the French colonies and the strength of the English were apparent. The English, moreover, had now gotten possession of the Dutch colony of New York, and Talon urged that the time was now ripe for offensive and defensive measures against them and their powerful allies the Iroquois. Colbert's reply, however, to the Intendant's recommendations shows plainly that the government intended that Canada should deal with the problem alone.

Meanwhile, the one man with the brain and imagination to conceive and the power and will to put into execution the plan which should have been the colo-

nial policy of France had appeared. Robert Cavelier de la Salle, a Norman of Rouen, who had settled upon his estate about nine miles below Montreal, had been told by some wandering savages, probably Iroquois, that a river which rose in their country flowed towards the west, and that by following its course one came after a journey of eight or nine months to the sea.[1] This river they called the Ohio, though evidently they included under that name both the Ohio and its continuation in the Mississippi, for Dollier de Casson writes that the Iroquois always called the Mississippi the Ohio. La Salle naturally concluded that by following the Ohio he might reach the Pacific. We know nothing of the expedition which he made in this direction after the time when he was deserted by the Seminary priests who had set out with him, for the only journal was kept by Father Gallinée. Nor do we know what La Salle did for the next two years. That he did, indeed, reach the Ohio and descend it as far as the site of the present Louisville seems certain; but that he pushed on and actually discovered the Mississippi at this time (1670 ?), or during his expedition to the Illinois the following year, has not been sufficiently proved even from the documents advanced by Margry.

These attempts, however, seem to have borne some fruit, for the Intendant Talon wrote urging Colbert to seize New York, to take and hold the Great Lakes and the Gulf of Mexico, and explore the intervening country.

He met no response from the government, but himself took one official step when, in 1670, he sent Daumon de Saint-Lusson to take formal possession of all the country "bounded on the one side by the seas of the North and West and on the other side by the South Sea." This impressive act took place at Saut Ste. Marie near the entrance of Lake Superior, in the presence of some interpreters and priests and the representatives of fourteen tribes.

[1] See *Relation officielle de l'entreprise de La Salle.*

But the king, though steadily petitioned for support, paid little heed to what must have seemed to him and to his statesmen the wild dreams of mad Canadians.

On assuming control of the government, in 1661, at the death of Mazarin, Louis was the greatest sovereign of the world. All Europe seemed to lie at the mercy of his ambition in those years between the Peace of Westphalia and the Dutch War of 1672. His plans for European conquest were well laid and, up to a certain point, successful, but he never saw, or saw too late, that in his colonies lay the undeveloped wealth and power that would stay him in the struggle, that in those distant lands France would submit to her worst loss, her hardest humiliation, and that she would be checked and humbled there by the silent, slow-moving power of England, which he found no better means to thwart than by crossing with his gold the itching palm of its thoughtless and powerless king.

New France must have seemed in those days an unpromising field of glory to the Sun-King. Nevertheless, though he never gave all the support for which his Canadian petitioners hoped, he at last sent out, in 1672, an able lieutenant-general and governor in the person of Count Frontenac. Acting upon the advice of Talon, Frontenac ordered Louis Joliet to seek the Great River which the Indians said flowed into the sea, and to trace it to its mouth if possible.

In 1673, Joliet, in company with Father Marquette, descended the Mississippi by way of the Wisconsin, as far south as the Arkansas; and Frontenac, upon receiving Joliet's report, named the river Colbert, in honor of the great minister upon whom the hopes of the Canadians depended.

Meanwhile, La Salle also had secured the support of Frontenac for the tremendous scheme which he had evolved. He had explored for himself the Ohio valley and the Illinois country, and he was now convinced that

the Mississippi emptied into the Gulf of Mexico. His aim was now no longer the mere hope of finding a direct route by which trade might reach the riches of Asia, but the creation of an empire for France in the west. After building a fort on Lake Ontario and establishing treaties with the Indians, it was La Salle's intention to descend the Mississippi to the Gulf of Mexico and there build a strong fort by means of which the river might be held against Englishman and Spaniard. Holding firmly the Mississippi by forts established at suitable distances along its course, he hoped to form the Indian tribes into a peaceful confederation under French influence.

The wonderful story of how this remarkable man labored against the most disheartening opposition and the most unforeseen strokes of fate has been so admirably told in Parkman's narrative,[1] and the original sources of information have been made so accessible by Margry's compilation,[2] that for the purposes of the present work no detail of the story is necessary beyond the indication of the plan which established the precedent for French policy in the Mississippi Valley and along the Gulf Coast. And it was indeed the imagination of this man that marked the course of subsequent history. To La Salle the face of the primeval wilderness was as a map upon which his vision read the dim tracings of the lines of empire. His work, his destiny was but the following and marking of these predestined lines. Steadfast, undeviating, unhesitating, he followed through trackless forests and the mazes of netted lakes and wandering streams, an inner certainty that was to him as vivid and sure as a blazed trail. Before him went the vision of vast empire as a pillar of cloud by day and a pillar of fire by night.

After nearly four years of disheartening struggle from the time he obtained his letters of patent from the king,

[1] *La Salle and the Discovery of the Great West.*
[2] *Découvertes et Origines Françaises,* tome ii.

La Salle at last reached the mouth of the Mississippi. On the 9th of April, 1682, he assembled his party upon a spot of high ground, and a cross bearing the arms of France and inscribed with the arms of Louis the Great was erected amid shouts, volleys of musketry, and the solemn chant of the priests. Standing near the cross, La Salle read aloud the formal Act by which he took possession of the whole country which he called Louisiana, including not only all the lands already explored by the French and all the tributaries of the Mississippi, but also the Gulf Coast as far as the River of Palms.[1]

Thus far successful, he turned at once towards his larger plans. He built a small palisaded fort, which he called Prudhomme, at Chickasaw Bluffs among the Arkansas; fortified and garrisoned Fort St. Louis on the Illinois at Starved Rock; formed a federation of the Illinois tribes; and then set out for France to obtain redress for the wrongs done him in his absence and also to gain the support of the king for his new design. This was to induce colonization of the Mississippi valley, to hold and control the Gulf of Mexico by settlements along its northern shore, and to found on the Mississippi at the first point of high ground above its mouth the beginnings of a western metropolis, which in fancy he saw the capital of the province that should spring from the fertility of the great valley and to which Nature herself seemed to predestine a golden future.

In the Gulf of Mexico another rival was to be met, not so powerful as England, but still formidable in the prestige of a glorious past. From the time of Philip II Spain had claimed exclusive right to navigate the Gulf,[2] and frequently her navy captured French vessels and imprisoned their crews for attempts to establish trade with her colonies in Mexico, in the islands, or in Central and

[1] "Procès verbal de la prise de possession de la Louisiane," Margry ii, 186–193.

[2] See *American State Papers*, xii, 27–31.

South America. For years the only seamen of France that had held their own in these waters had been the daring corsairs and filibusters who, by their increasing power and ferocity, had become the terror of the Spaniards. The unaided successes of these bold fellows vastly encouraged the French, and in 1680 the king had instructed the Comte d'Estrées, who commanded the French naval forces, to see that the Spanish made restitution for the seizure of French vessels and to enforce the liberty of navigation throughout the Gulf.

This situation offered a promising opportunity to La Salle when, in 1684, he again went to France and obtained an audience with the king and Seignelay, the new minister. There was in France at this time a discontented Spanish creole, the Comte de Peñalossa, who had offered to the government a plan to establish some French buccaneers at the Rio Bravo, to collect a force of corsairs and filibusters, capture the important Spanish post of Panuco in Mexico, seize the Spanish mines, and take possession of New Mexico.[1] French colonies were then to be sent out to settle and hold the territory. When La Salle arrived in Paris, this plan was still under consideration and doubtless influenced him in drawing up the prospectus which he himself laid before the king. Seeing the ready attention which such schemes as this of Peñalossa's attracted, he seems to have felt that, unless he too could dazzle the French imagination and thus fall in with contemporary inclination, he would get no backing towards the accomplishment of his real aims. He must have known, in his secret soul, that his offer to conquer the outlying Spanish possessions and hold his own discoveries with a force of only two hundred men, besides the army of Indians which he stoutly asserted could be collected, was wildly impossible; but it may have been that his natural reserve, his distrust and disgust, and perhaps the great weariness that was creeping over him made him

[1] *Projets du Comte de Peñalossa.* — Margry, tome iii.

use these fancies as a mere lure to win the minister and the king to assist him.

Whatever he may have thought of them, his fantastic offers brought him stronger support than he had ever known. He was given a hundred soldiers, some laborers and mechanics, and about thirty volunteers, gentlemen and burghers. Four vessels were put at his service, and six priests were detailed for missionary work, among them La Salle's brother. The expedition began inauspiciously, however, with disputes and open disagreements between La Salle and the Sieur de Beaujeu, who was to command the vessels as long as they remained at sea. They missed the mouth of the river, and, passing it, touched land at Matagorda Bay (also called St. Louis and St. Bernard) on the coast of Texas. By this time La Salle was so eager to be rid of the Sieur de Beaujeu, who had refused to go back along the coast to search again for the mouth of the river, that he decided to land where he was and make his further explorations unhampered. The rest of the story of intrigue, treachery, and misfortune, as one can piece it together from Joutel's "Journal Historique," Beaujeu's log-book, the journal of the priest Cavelier, and the anonymous account printed by Margry, is one of the saddest in the early history of America. However fascinating it may be to follow the many trails by which a relentless fate seemed to track the heroic man to his doom, there is here no need to give more than the barest record of its main events and their final effect upon the French domination of Louisiana and subsequent territorial claims against the Spanish.

When La Salle began the building of his little Fort St. Louis, he found that none of the mechanics knew their trades, that the soldiers given him were useless, and that the supplies he had brought were also of the worthless sort which the government seems habitually to have furnished to colonists. Dissension and disease began to appear, and the men and women who had

accompanied the party as permanent settlers were dissatisfied with the site which La Salle had chosen. La Salle therefore dispatched his vessel along the coast, and himself set out overland to find some river that flowed into the Mississippi. After a short journey, La Salle returned to the fort, and with a larger force of men again set out. During his absence the survivors of the crew of his vessel returned half dead to the fort, with a tale of shipwreck and disaster. These men with their complaints increased the discontent which Joutel, left in command by La Salle, had difficulty to keep within bounds. La Salle returned, having gone as far west as the Colorado River. The Spaniards, he found, had preceded him throughout this whole territory, and in view of the discontent and inefficiency of his followers, he resolved to make the long journey to his fort on the Illinois to get the assistance of Tonti and further reinforcements from Canada. Unhappily for himself and for the success of his undertaking, he chose, among the men to accompany him, the most dangerous and treacherous of the malcontents. Taking advantage of an opportunity when the party was in the heart of the wilderness, probably upon one of the branches of the Trinity River, two of these men, Liotot and Duhaut, shot down their commander from ambush.[1] The priest Cavelier, Joutel, Father Douay, and La Salle's young nephew were spared, and, in the midst of the quarrels among the conspirators, made their escape. They got safely away, but with little glory, and finally reached the Arkansas. Here they met some of Tonti's men, for this one faithful friend of La Salle, hearing from Canada that the colony had been planted under such unfavorable circumstances, set out in February, 1686,[2] knowing that La Salle would need just such assistance as he alone could bring. He had descended the river to the Gulf and explored the coast for

[1] On March 19, 1687.

[2] See *Procès Verbal de Tonti,*" 13 Avril, 1686, Margry, tome iii.

ninety leagues east and west. Failing to find any traces of the colonists, he had left a letter for La Salle with an Indian chief [1] near the mouth of the Mississippi, and had finally gone back to the Illinois, leaving six men among the Arkansas. These men received La Salle's wretched survivors and sped them on their way after they had told the miserable story of La Salle's death and had rested from the hardships they had suffered. At the fort on the Illinois they were hospitably received by Tonti, but for some reason they concealed their commander's murder from him and told him only of the wretched state of the little colony at Matagorda Bay. La Salle's brother, the priest, nevertheless presented an order which La Salle had given him months before for beaver skins amounting to about 4000 livres. The unsuspecting Tonti gave the skins and sent the priest and his companions, one of whom had been an actual accomplice in the murder, on to Canada. Not until they arrived in France did these craven fugitives reveal the whole truth about the end of that miserable enterprise.

The national government was no doubt prepared to hear the worst news. Seignelay had been informed as early as 1686 that the Spaniards had resolved to destroy La Salle's colony and had sent vessels along the coast to search for it. There may yet come to light evidences to show how far the Spanish may have been instrumental in the final destruction. It is certain, however, that they had fully determined to uproot this blown seed of France, and at least four expeditions were sent along the coast from Vera Cruz in vain attempts to locate the establishment, which, being somewhat inland, escaped their view. The French government and the French colony at St. Domingo were well aware of the hostile efforts of the Spaniards, but no assistance was sent to their country-

[1] See *Lettre de Tonti au Ministre*, 24 *Aoust*, 1686, in Margry's third volume. The letter left for La Salle was found thirteen years later by Iberville.

men. In May, 1688, the governor of St. Domingo wrote to the minister that he had been told by some filibusters and by some Spaniards that La Salle's colonists had all perished and that no trace of them could be found. Finally a Spanish force reached the little fort, but according to their report they were spared their bloody work, for they found nothing but ruin and the usual traces of a recent Indian massacre.

Even when the priest Cavelier arrived in France with the story of his brother's murder and the wretched state in which he had left Fort St. Louis of Texas, the king sent out no aid and no effort was made to investigate La Salle's death. But Tonti, finding at last the truth that had been shamefully concealed from him, and still faithful to the memory of the friend whom he could no longer serve, had set out in the dead of winter, in 1688, in a desperate attempt to reach La Salle's colony and rescue his friend's cherished plans from failure. In the Red River country all his men save two abandoned him. He was unable to get guides from the Indians and failed to find the way alone. Finally he was caught by the spring floods and forced to turn back. After narrowly escaping starvation and after being forced to eat his dogs, he reached the old fort on the Illinois in the fall of 1689. Here he was not long in learning something of the final failure of the colony.

CHAPTER II

FIRST FRENCH SETTLEMENTS IN LOUISIANA

For years the vast territory opened by La Salle was left undisturbed by the feet of French explorers. The priest Cavelier, indeed, made some attempt to induce the government to prosecute his brother's plans, but the apparent failure of those ill-fated expeditions put a check upon further efforts.

The king himself was too much occupied with his schemes of aggression and acquisition of territory in the Rhine country to give much thought to America. Thus he was involved in the long war which was waged against him from 1690 to 1697 by the Grand Alliance. The French and English colonies were drawn into this conflict, known in our colonial history as King William's War. The struggle was negative of results, the situation in America remained unaltered, and the Peace of Ryswick was felt to be a mere truce.

But France was once again free to pursue the plans of colonization initiated by the Canadian explorations. The king had begun to see something of the importance of the wilderness which bore his name. In his instructions to the commissioners who were arranging the preliminaries to the signing of the treaty of Ryswick, he had explicitly admonished them above all things not to accord the English any of the territory south of the limits of Canada.

Several persons had shown willingness to take up the work that had been abandoned at La Salle's death. Among these was one of his friends, the Sieur de Ré-

monville, a man of birth and means, who had himself been as far west as the Illinois. He offered to follow La Salle's route by the Lakes and down the river, to explore the gulf, and hold the mouth of the river till the government could send out settlers for a permanent colony. The government had the evident intention of conducting future explorations for itself, and Rémonville was not commissioned, but time was allowed to slip by without any definite plan being put into operation. Meanwhile, much wild talk, many false reports, and some fanciful publications circulated throughout France and served to obscure the little real knowledge of the territory that was accessible.

It will be remembered that La Salle was abnormally reticent, not only in regard to his plans but even about his actual discoveries, and that he gave his accounts only to a few friends; the public at large was therefore almost totally ignorant of the actual details of his travels. By the report of the survivors of his last expedition, he had failed to find the mouth of the Mississippi. Tonti had explored the coast about the mouth of the river after La Salle's death, but the French public was ignorant of this. So there were many to assert that La Salle had never really reached the Gulf on his first descent of the stream in 1682. Some admitted the existence of the country and the river, but asserted that if they existed they must long ago have been occupied by the Spaniards. Still other bold theorists of a scientific turn of mind held that La Salle had indeed seen the river at some distance from the sea, but that it probably had no mouth, losing itself in some inland lagoon or tumbling into some hole in the earth, else why had the mouth of so great a river not been conspicuous on a coast so well-known as that of the Gulf of Mexico. Of course it was forgotten that though many ships sailed the Gulf, its northern coast was not at all known, the peculiar shallowness of the water making navigation close to the shore extremely

dangerous, and the flatness of the land making any breaks in its line scarcely perceptible save at very close range.

The final spur to action was given by the rumor that England intended sending out an expedition to take possession of Louisiana. It will be remembered that, in 1680, La Salle had sent two of his men to explore the upper Mississippi, and that they had been accompanied by the Récollet priest Hennepin. In 1683, Hennepin published a description of this journey and an interesting account of his life among the savages. This priest was never looked upon with much favor by those who knew him, for he was obstinate, bigoted, jealous, and pretentious. There was little of the true priest in his nature, and his ambitions were those of an explorer. He had gone unwillingly upon this expedition, for he was jealous of La Salle and felt, or pretended to feel, that La Salle wished to get him out of the way upon some obscure mission while he himself won the sole praise of more ambitious achievements. After his return to France he had made offers to conduct other exploring parties, but he won scant hearing. In 1697–98, therefore, he published a new work, dedicated with fulsome flattery to William III of England, and purporting to describe a voyage which he himself made *down* the Mississippi two years before La Salle. He pretended that his fears of the jealous vengeance of La Salle had prevented him from making this journey public during his commander's life, but he now gave the most elaborate and alluring pictures of the river and its value, with detailed descriptions of the people and the villages. It is now known that those parts of his work which were not false were plagiarized from authentic accounts now accessible, but not at the time of the appearance of his book. Nevertheless, his assertions produced some effect in England and even in France, and the French secret agents in London soon informed Louis that an English expedition

was actually being prepared to go out under the guidance of Hennepin and found colonies in Louisiana.

The new Minister of Marine, Jérome de Phélypeaux, better known by his title of Comte de Pontchartrain,[1] had come to his office by inheritance and had long considered schemes of colonial expansion. Two other Canadians had made offers similar to that of Rémonville, but the minister rightly considered that the settlement of the lower Mississippi valley could be more easily and perfectly effected by means of an expedition under officers of the crown sent directly by sea from France to the Gulf of Mexico. If the attempt should be made by land from Canada, Tonti, of course, had the first right to command; but in view of the fact that the English were about to send ships to the same region and that the Spaniards would in all probability attempt to break up any establishment, it was thought best that the commander of the present party should be a man of address, tact, and experience in naval warfare, as well as a practiced woodsman. Happily the right man for the task was chosen in Pierre Le Moyne, Sieur d'Iberville. He had already shown his skill and courage as a naval commander in the late war by defeating the English in Hudson's Bay and at Newfoundland, and he was a Canadian of a family already prominent in the early settlement of Montreal and of that strong Norman stock which, grafted upon Canadian life, gave France her sturdiest pioneers. He was chosen to command the party which was to take permanent possession of La Salle's discoveries. Iberville armed himself with all the information which he thought might serve him. He took with him a copy of Joutel's "Journal Historique," the misleading work of Hennepin, the narratives collected by Father Le Clerc from mem-

[1] Seignelay had been succeeded as Minister of Marine by Louis de Phélypeaux, Comte de Pontchartrain, in 1690. He in turn was succeeded in September, 1699, as minister and as Comte de Pontchartrain by his son Jérome, Comte de Maurepas.

bers of La Salle's first expedition, and whatever information was accessible from the reports of La Salle and Tonti. Joutel himself would not go with the party, but Father Anastase Douay, one of the survivors of La Salle's last attempt, was taken as a possible guide and interpreter to the Indians.

On October 28, 1698, he set sail from Brest in the frigate Badine. He was accompanied by the frigate Marin, under the command of the Chevalier de Granges de Surgères, and was joined on the way by the ship of war François, under Joubert de Chasteaumorant, who went along merely to assist the two frigates in case of attack. Arrived at St. Domingo, Iberville tried to get further knowledge of the Gulf, which, according to the Spanish accounts, was full of so many fearful dangers. He obtained as guide Laurent de Graff, who had explored part of the northern coast and gathered useful information from a captured Flemish pilot whom the Spaniards, upon the news of La Salle's expedition, had sent out to explore the whole coast, and who had found an excellent harbor about fifty leagues west of Apalache Bay, a place which Spanish vessels sought for mast poles.

Iberville determined to make for this harbor. He found no one who could offer him any information about the Mississippi, but he obtained a French map having a more complete outline of the coast than the Spanish one provided for him in France. The one guiding fact upon which he relied most, however, was a verbal description of the appearance of the mouth of the river given him years before by La Salle himself. He therefore determined to sail along the coast westward from Florida, keeping close in to shore, until he found the river or until he should reach the site of La Salle's deserted colony in Texas. He intended to establish forts at suitable places and to send for Canadians to hold them. He prepared to fight also, for he had learned that four English ships had been seen in the Gulf with equipment

for founding a colony, so it was suspected, on the Mississippi.

Taking nine hardy filibusters from St. Domingo to replace some of his men lost by sickness, Iberville turned his course northward. Touching the Florida coast about Apalachicola Bay, he went slowly westward along the coast, sounding and taking observations as he went. In order that no configuration of the coast might escape him, and that he might pass no river of importance, he sent his lieutenant Lescalette in a small boat to coast near the shore. The two frigates kept in as close as possible, while the François stood farther out to sea. Finally, on the 26th of January, 1699, they stumbled upon the harbor of Pensacola, garrisoned by a feeble force of some three hundred discontented men whom the Spanish had taken from the galleys to guard the fort, under the command of Don Andres de la Riola. The French concealed the object of their expedition under pretext of searching for Canadians supposed to be on the coast. From the Spanish soldiers, Iberville's young brother, the Sieur de Bienville, was shrewdly able to learn that a French colony would have nothing to fear from the starving garrison of Pensacola.

After remaining a few days and getting what information he could, Iberville proceeded westward along the coast, and reached Mobile Bay on the last day of January. Soundings were made, the islands off the coast explored, and an entrance into the harbor was found; but Iberville did not yet wish to make any establishment here. He managed to collect some Indians of the neighborhood, and, with the valuable assistance of Bienville, won their friendship and confidence. From them he could learn nothing of the tribes which Hennepin reported as dwelling upon the lower Mississippi; but from their description of a river which they called Malbanchia, he concluded that this stream must be the one he sought, and as they told him that the journey overland to its

shores was short, he arranged with them to be guided to it, intending to descend to its mouth and join his vessels in the Gulf before attempting to bring them in through the passes. As the English were nowhere in the neighborhood, the Spaniards weak, the Mississippi according to his calculations close at hand, and a safe harbor found, he dismissed Chasteaumorant on the 10th of February, and allowed him to return to St. Domingo.

The Indian hunting party upon which he had counted for guide service failed him, however, and therefore he stocked two barges, each with a canoe in tow, with rations for twenty-five days and ammunition, and taking fifty Canadians, sailors, and filibusters, set out along the coast on the 27th of February, 1699, to find the mouth of the river. In his own boat went Bienville, and in the other were Father Douay and the Sieur de Sauvole.[1] Surgères was ordered to remain at Ship Island with the vessels, with orders to return to France in the Marin should provisions run short and Iberville not return within six weeks.

The party set out on the morning of the 27th of February in gloomy weather. An unfavorable wind coming out of the southeast blew against them wet drifts of rain and mist. Entering soon the vast labyrinth of low, reed-covered islands, gleaming white sand-banks, reefs, mud-drifts, shoals, and gravel heaps which the great river has hurled for ages from its channel, and which the tides and winds of the Gulf have heaped into the fantastic shapes of the broken delta, the barges struggled on painfully, holding the low, deceptive coast of the mainland close upon the right, that they might not miss the mouth of any river. Slowly they pushed forward during the first gray day, and at night they rested upon one of the little islands which, like all the others, was overflowed by the high tide. The next day, so heavy a fog lay upon

[1] This Sauvole has been confused with Iberville's brother of the same name.

the water that they could make scarcely any headway through its obscurity and among the maze of sand-banks that still surrounded them. Finally, in the afternoon, as they had abandoned hope of getting forward that day, and as they were pitching their camp upon one of the small trembling bars of sand, a fierce storm of wind, rain, thunder, and lightning burst upon them. Here they passed a night of anxiety, fearful of being washed away at any moment. In the morning the storm still raged, and the whole day was spent upon the fragile bar. They had no wood, and could kindle no fire; they could get no drinking water by digging in the sand; and finally the sea rose over their little foothold, submerging it to the depth of a foot and a half, so that they were forced to build a platform, and crouch upon it through another night. On the morning of the 2d of March, they were able to make a start in a strong north-east wind that drove them along the coast of the mainland, which now bent sharply to the southeast. A heavy sea was running, breaking over the plunging boats and drenching the shivering men. The canoes towed at the sterns of the barges were so fiercely beaten about that Iberville ordered them to be taken in. In spite of the fear of being dashed to pieces, they kept close to the main shore, for they felt that they must be nearing the mouth of the river which the Indians had described, and which they hoped would prove to be the Mississippi. As they proceeded, the sheltering islands became fewer, and the force of the waves increased. Late in the afternoon they found themselves driving upon what seemed to be a rocky cape rising jaggedly in threatening blackness from a heavy surge. For three hours they struggled in vain to fight off from this danger and round the perilous cape. Darkness was fast falling. The wind blew unabatingly. They felt themselves driven irresistibly towards the reefs. Iberville's barge was slightly in advance. Anxiously he weighed the alternatives of death

in the stormy waters during the night or the faint hope of running upon the rocks in the uncertain glimmer of light that yet remained, trusting to luck to effect a landing. There was but little time to hesitate, so, putting his boat about, he let the wind at his back drive him swiftly towards the cape. Sauvole in his boat followed. As they plunged forward, a miracle seemed to be wrought before their eyes. The rocky cape broke up into small jutting crags with wide stretches of calmer water between them. In the uncertain light, they assumed weirdly fantastic shapes. In the homely words of his journal, Iberville thus described the scene: "As I neared the rocks, I perceived that there was a river. I passed between two of the rocks in twelve feet of water, the sea very heavy, where, on nearing the rocks, I found the water sweet and with a very great current. These 'rocks' are of petrified wood and drift, and have become black crags which resist the sea. They are numberless, jutting out of the water, some large, some small, sometimes twenty, a hundred, or three and even five hundred paces from each other, more or less, running towards the southwest, which enabled me to know that this was the River of the Palisade, which seemed to me well-named, since at its mouth (which is a league and a half from these rocks) it appears to be completely barred by them."

Choosing a pass between the drift heaps where the water was somewhat calmer, they pushed into the channel of one of the mouths of the river, and found a camping-place upon the swampy soil that seemed a haven of safety after the dangers they had passed. Iberville knew that he had found the river which the Spaniards had called the River of the Palisade, and, remembering what La Salle had told him, he was almost certain that he had found the mouth of the Mississippi. It now remained to ascend the river and locate the tribes of Indians so eloquently described in the "Relations" of the priests Hennepin and Le Clerc. If the narratives in these

works were true, a short journey would bring him to populous villages and a pleasant country where he might establish his fort and colony. From the appearance of the land about his camp, Iberville must have been led to feel somewhat skeptical of the alluring country supposed to lie just above the mouth of the stream. All about him spread a dismal marsh, a flat stretch of trembling reed-covered, water-soaked soil, treeless and disheartening; yet, with his keen eye to practical utility, he notes in his journal that the concealed and jealously guarded mouth of the river would be an admirable refuge for privateers and corsairs, whence they might dart out upon Spanish merchantmen returning home fatly burdened from the Mexican mines.

Early the next morning, the 3d of March, 1699 (Mardi Gras), the ascent of the river was begun. On both sides of the stream the land continued low and marshy, supporting only a prairie of reeds and a growth of small willows, until, at a point about six leagues from the mouth, woods began to appear. That day an advance of twelve leagues was made, but no trace of inhabitants was found and no spot of high ground could be seen, for the river was rising and the land on both sides was completely submerged. Iberville climbed a tall tree at the camping-place that night, but beyond the narrow strip of woods near the stream he could see nothing but canebrake. As the party continued the journey upstream, Bienville paddled in one of the canoes close to the bank in hope of finding some sign of Indians, and on the 7th fell in with some of the same Bayougoulas whom they had met on their hunting trip near Mobile Bay. From these friends they obtained guides and provisions and learned that the river was the one called by them Malbanchia. As their description of its course and of the tribes which dwelt farther up did not at all agree with the priestly "Relations," Iberville felt that he must push on until he could convince himself that this Malbanchia

either was or was not the same as the Mississippi. On the 9th he reached the site of New Orleans, and was shown the short portage by which the Indians went from the river to the inlets of the Gulf.

When the party reached the territory of the Bayougoulas and Mongoulachas, a short distance above the present Bayou Plaquemines, they were met with great ceremony by a deputation from these tribes, who had been apprised of their coming. The Mongoulacha chief was a man of great dignity, and wore, to the surprise of his visitors, a French coat which he said had been given him by the "Iron Hand," the name by which Tonti was universally known throughout the wilderness. During all his journeys, Bienville had the habit of traveling in the canoe with the Indian guides and employing the enforced hours of inactivity in learning the different dialects and languages. All the way up the river he had kept the Mongoulacha guide with him, and was already able to speak and understand the language with some ease. He therefore got from the Mongoulacha chief much information that assured Iberville that he was indeed upon the Mississippi, but convinced him that slight reliance could be put upon the descriptions of the priests. He had not yet been able to find a favorable spot for planting his establishment, though the "Relations" had led him to believe that such a place might easily be found near the mouth of the river. The whole land was flooded, and the prosperous villages of which Hennepin had written so glibly were nowhere visible. Now Iberville learned from the Mongoulacha chief that the tribes whom he sought dwelt many miles farther up the river, and that the journey would be a much longer one than he had expected, a serious difficulty, since he was already running short of supplies, his men worn out, and his ships far away.

Iberville resolved to set at rest what doubts remained, by going up the river five days' journey, as far as the Houmas; but, before he could set out, he was compelled

to make a formal visit to the Indian village and smoke incessantly, to his great disgust, for he hated the practice. Nevertheless, with as good grace as possible, he complied with the significant custom, and made many effective presents of shirts, stockings, blankets, mirrors, beads, hatchets, and knives. The Indians gave bear-skins and feasted their guests.

Their village was surrounded by a paling ten feet high. Near the centre of the village was a temple, about thirty feet in circumference, built of posts driven upright into the soil and plastered with clay about half-way up. The roof was made of split canes, carefully joined together in a cone-shape, and decorated with the painted figures of birds and animals. In front of the entrance were two large pillars surmounted by a shed. On each side of the door were figures of beasts and birds, notably a hideous opossum. Inside the temple, the sacred fire smouldered fitfully from two logs placed end to end and supposed to burn continually. Beyond the fire was a scaffolding on which bundles of bear-skins, hides of deer and wild cattle, and an old bottle given by Tonti, with other offerings to their special *manitou*, the opossum, whose hideous image, done in black and red, glared from the walls in the dim light of the temple. The cabins in which the families dwelt were of the same general plan as the temple. There were no floors in any of them, and a single opening at the top served to let out some of the smoke and admit a little air. The beds were wooden frames raised about two feet from the ground. Over this frame were stretched branches of about an arm's thickness for slats. Over these were spread mats of split cane, and bear-skins were used as coverings. 'No other furniture was found in the cabins save the earthen pots and vessels which the women made with some skill. With the exception of occasional ornaments the elder men went entirely naked. Some of the younger bucks, however, wore sashes of feathers, which hung at their backs like tails

and were strung with jingling bits of metal. The elder women were covered from waist to knee by a sort of girdle woven of bark fibre into a fringe and stained red and white; but the young girls wore only little packets of moss tied around their thighs and supported by narrow girdles. Their arms and legs were adorned profusely with bracelets and bangles. The hair was worn knotted on top of their heads. The Frenchmen found some of these girls good-looking, but the effect was spoiled by their blackened teeth and the tattooing on their faces and breasts. At the time of Iberville's visit, the tribe had been greatly reduced by the ravages of small-pox, and all about the villages the dead lay swathed in mats upon high poles, attracting a hideous multitude of buzzards. Provisions were scanty, and comparatively small crops of maize and beans were raised by the rude process of cultivation which was carried on with inefficient bone implements. A few chickens were seen, but game was scarce in that territory, and the only hunting was done by distant expeditions, for the hunting bounds of the neighboring tribes were strictly defined and fiercely maintained.

After the parley was over, Iberville raised a large cross, and set out for the Houmas. On the 17th of March, they passed the present site of Baton Rouge. Here they saw a red corn-stalk, with the heads of fish and bear stuck upon it as an offering from some successful hunters to the spirits. On the 18th they reached the spot known to-day as Point Coupée. At this place the river made an immense loop, almost doubling upon itself, and the Indian guide pointed out a little bayou about six feet wide, by which he said they could cut across the neck of the bend, reaching the river again with the gain of a day's journey. Bienville entered the bayou in his canoe, but found the way barred by a huge pile of drift, thirty feet high and five hundred paces thick. The Canadian woodsmen of the party made quick work of the hard task set them, and cut a way through the

obstruction by which the barges were slowly towed and by which the river itself now flows, adopting Iberville's time-saving suggestion.

At last, on the 20th of March, the party reached the Houmas. Here they were met by a ceremonious deputation of savages chanting the peace song and bearing little white crosses, which they had learned were to the white man symbols of peace. After smoking the calumet, Iberville presented his gifts and diplomatically intimated that he had much finer ones in the boats. At each presentation, the Indians arose, thrust out their arms, and uttered prolonged grunts. A tremendous feast was given at midday, and Iberville was forced to undergo what was to him a nauseating amount of smoking; but after the ordeal of fire, food, and eloquence had been sufficiently endured and the feeling of peace and trust properly established, a place was cleared in the village for a savage dance in honor of the guests. Singers at one side of the open space began the music by beating a singular rhythm with rattles. Suddenly a flashing troop of girls and young men bounded into the circle and flung themselves into one of their symbolic dances. Flashing and gorgeous with feathers, tassels, jingling bits of metal, and fresh paint, the lithe, almost naked bodies wove their savage beauty into a dazzling maze of barbaric color and motion. Every movement, every gesture of the young warriors expressed strength, courage, and agility. The young girls, swaying their slender bodies with a softer grace, waved large fans of variously colored feathers. For three hours in the glittering sunlight and under the luminous shadows of the forest all the innate spirit of poetry and beauty of the savages found free expression in this their highest art, symbolizing the wild spirit of nature and of the life of which their own wild selves were the human incarnation.

Scarcely had the dancers retired as the evening drew on, when a new feast was ushered in, and at its close

the young warriors, armed with bows, arrows, knives, and hatchets, danced a highly effective war-dance in the fierce gleam of the fires with an accompanying dance of grotesquely leaping shadows, while the gloomy stillness of the wilderness shuddered with the hideous music of the war-song. It was midnight before Iberville and the chief were left alone for a pow-wow. The chief of the Houmas was an old man, almost obsolete, ridiculously behind the savage fashion, in that his forehead had been artificially compressed and flattened, a style of head no longer worn by these Indians. The old chief gave substantially the same testimony as the Bayougoulas and Mongoulachas about the river and the tribes living on the banks. He also said that Tonti had passed their village both going to and coming from the mouth, yet his descriptions of the tribes and of the river were in direct contradiction to the accounts of the Mississippi in Le Clerc's "Establishment of the Faith." Iberville felt himself forced to the conclusion to which all circumstances had been pointing. He was indeed upon the Mississippi, in spite of the fact that it was not at all the river pictured by his authorities. At this juncture, the Bayougoula guide came forward and confessed that the Mongoulacha chief had a letter which Tonti had left with him to be given to a white man who should come up from the sea. This testimony finally convinced Iberville that the river did not fork as the priests said and the Indians denied, and that he was upon the river which Tonti had descended hoping to meet La Salle — therefore the Mississippi. He now determined to make haste to return to his ships, securing Tonti's letter on the way. He erected a cross in token of possession, while the amiable natives, unconscious of the practical significance of the act, marched about the cross and threw upon it pieces of tobacco as offerings to the Frenchmen's *manitou*, and waved little crosses which they had made for themselves in imitation of the Frenchmen's symbol.

Iberville's object was now to make what haste he could to reach his ships before he ran out of provisions and before Surgères sailed for France. At this time the stream now known as Bayou Manchac, then called by the Indians Ascantia, was an outlet of the Mississippi. As the barges could not make way through its shallow water, they were sent down to the mouth of the river in charge of Bienville and Sauvole, who were also instructed to get Tonti's letter from the Mongoulacha chief. Iberville himself, with two canoes and four men, made his way without guides through the bayou, discovering and naming the lakes Maurepas and Pontchartrain in honor of the Minister of Marine.

On the 31st of March he reached his fleet at Ship Island. Bienville and Sauvole arrived by way of the mouth of the river only eight hours after their commander. They had obtained Tonti's letter left for La Salle almost thirteen years before. This letter, given in part by Iberville in his journal, is dated "from the village of the Quinipissas, April 20th, 1685,"[1] and proved to be the one left by Tonti after the failure of his noble effort to come to the aid of his friend and commander. To one who has followed that heroic story, the rude words of the Iron Hand are full of a simple and affecting pathos. "Monsieur," says the letter, "having found the post upon which you had hung the arms of the king knocked down by driftwood, I had another one erected on this side of it about seven leagues from the sea, and I have left a letter in a tree near by, in a hole on the rear side, with an inscription on it (i. e. the tree). The Quinipissas having danced the calumet with me, I leave this letter with them to assure you of my most humble respect and to let you know the news I have had of you at the fort, that you had lost a boat and that, the savages having plundered your supplies, you

[1] Tonti dated his letter incorrectly. From other documents of his it is certain that the letter was written in April, 1686.

were fighting with them. Upon this news, I have come down with twenty-five Frenchmen, five Chaouanons, and five Illinois. All the nations have danced the calumet with me. These people [1] have a great dread of us since you captured this village. I close assuring you that it is the greatest disappointment to me to return without having the fortune to find you, after two canoes have coasted along the shore thirty leagues towards Mexico and twenty-five leagues towards the Cape of Florida, they being forced to return for lack of fresh water. Though we have gotten no information of you nor found any trace of you, I do not despair that God will grant a full success to your business and your enterprise. I hope this with all my heart, for you have not a more faithful follower than I, who sacrifice everything to seek you."

There was no longer the shadow of a doubt that the Malbanchia was the true Mississippi and that the Bayougoulas and Mongoulachas must be identified with the Quinipissas. It was now too late to go back and establish a fort upon the river, although Sauvole reported that he had found a spot about twenty-five leagues from the Gulf where the ground was higher than the overflow and where a colony might be planted. Supplies were failing and an establishment must be made at once and as near the ships as possible, for Iberville had no hope of getting his large vessels through the passes of the delta. He was forced, therefore, to relinquish for the present his chief desire of planting a colony upon the Mississippi, and began to cast about for a favorable site near at hand. The mouth of the Pascagoula River was considered, but found unsuitable. The first attempt to find an entrance into the bay of Biloxi met with no success. He thought then of planting his fort upon Lake Pontchartrain, but finally, undertaking the sounding of the bay

[1] The village of the Quinipissas was in St. Charles Parish. La Salle had been attacked by them here and had severely repulsed them.

of Biloxi himself, he found a seven-foot channel leading into a safe harbor between the mainland and the sheltering island. Running in behind Deer Island, Iberville scanned closely the shore of the mainland where now the towns of Biloxi and Ocean Springs are built. The gleaming white sand of the beach receded from the water in terraces and was crowned with groves of oaks. Indenting the shore of the bay was found a small inlet, from whose shore a fort might command the whole expanse of the harbor. Here, at the point where to-day the railway trestle spans the inlet, Iberville laid the lines of Fort Maurepas, the first permanent settlement of the French on the Gulf coast. With the construction of the fort, troubles began. The men were inefficient and the artisans knew little of their trades. During Iberville's absence on the Mississippi no explorations had been made, and the country about them was unknown, until the indefatigable Bienville began to hunt through the forests with his hardy Canadians and explore the neighboring waterways in his pirogue with Indian hunters.

Iberville's return to France at the end of June, 1699, set at rest many fears of Spanish opposition, but the danger to be apprehended from the English colonies and English interest in the Mississippi was very real. News had already come from Canada [1] that a project was on foot among persons in New York and New England to send a colony of Huguenot refugees and Hollanders to the Mississippi by sea during the summer, upon the strength of Father Hennepin's assertions. A little later, it was reported that King William, in order to dispose of some of the Huguenots who had taken refuge in England, had actually sent out six shiploads, presumably for the Mississippi.

Feeling the necessity of prompt action, Iberville drew up a full memorial [2] to the government, in which he stated

[1] Callières to the Minister, May 2, 1699, in Margry.

[2] Given in Margry, iv, 308 et seq.

the question clearly in practical form and outlined a sane and far-sighted policy of permanent colonization. The young minister was vastly interested in such things from a theoretical standpoint. Under the tutelage of that great genius and noble man, Vauban, Jérome Pontchartrain's mind had been trained to the conception of large political ideals. Both of these men were convinced that the very existence of French power in America depended upon the holding of the territory discovered by La Salle. Iberville was given much encouragement and full equipment for a second voyage of exploration. Two subsidiary expeditions were also ordered to go out at the same time. One, under the Canadian geologist Le Sueur, was to ascend the Mississippi in search of mines and a certain famed hill of green earth reported to be in the country of the Sioux. The Sieur de Rémonville was also sent out to conduct independent explorations. At La Rochelle, Iberville picked up some trusty Canadians who had been with him at Hudson's Bay, and he also took with him his brother Châteauguay, a young fellow of seventeen, and the Sieurs de Boisbriant and St. Denis, both famous in the early annals of Louisiana.

Unfortunately, the minister was of an imaginative turn of mind and had been influenced by the baits cast out by the many promulgators of wild schemes for fortune hunting. Therefore, in his written orders given to Iberville, one finds, along with the more practical directions taken from the explorer's sensible suggestions, minute instructions for the domestication of wild cattle for the sake of their wool and urgent commands to look well into the matter of reputed pearl fisheries in the Gulf and to bear in mind that "the grand affair is the discovery of mines." Iberville was even instructed to find out whether the country might not do for silk-raising, and one catches a faint hint of some idyllic fancy of the romantic young minister, worthy of Châteaubriand himself, in the suggestion that the Indian girls and children might be em-

ployed at the pastoral task of rearing silkworms, as a light and agreeable work suitable to their tender nature. This strain of fantasy well shows the real spirit in which such attempts as Iberville's were encouraged. France at large had not yet grasped the true spirit of colonization which Iberville had said was instinctive with the English. France still dreamed of an El Dorado of mines and pearl fisheries. In the face of the danger that threatened, corruption within and war from without, the whole nation still basked in the rays of the Sun-King, and nothing short of marvels might distract their attention from this splendor and turn it towards the New World, although Iberville and some others had said rude words on the subject. To the end, up to the very time of sordid necessity and the struggle for very existence, France remained the dreamer of the nations and La Salle the type of her explorers. She might produce an Iberville, but she would not listen to him. He did not dazzle her with impossible possibilities, as did La Salle, Le Sueur, and La Hontan. He was not as interesting as that arch-liar Matthieu Sagean. So where Iberville wished to build forts and plant the crops and homes of a sturdy peasantry, France sent him to gather the wool of wild cattle, the ore of non-existing mines, and the worthless pearls of the Gulf. He bored her with his homely sense. He planned like an Englishman.

When he reached Biloxi, on the 8th of January, 1700, he had from Sauvole a better report, on the whole, than might perhaps have been expected, though no crops had been raised and though but little had been done towards permanent establishment. His brother Bienville, however, had been actively at work exploring the country and winning the friendship of the savages. Active, brave, hardy, and tactful, the young Canadian, then scarcely twenty years of age, had scoured the wilderness, going from tribe to tribe, learning their dialects and customs, and gaining their respect and confidence. He had also

made a journey to the Mississippi and explored the Ouacha (Bayou Plaquemines). As he was descending the Mississippi on his return, in September, 1699, at the point now called English Turn, he came suddenly upon an English vessel lying in midstream. He paddled his canoe alongside and was taken aboard. The expedition proved to be part of that which had left England in 1698 with three shiploads of Huguenots. They had touched at South Carolina and many had remained there. The present party was in search of the Mississippi and had cruised the Gulf in vain about the point where Hennepin's book and the account falsely attributed to Tonti had led them to believe the mouth would be found. They had entered the passes and ascended the stream in the belief that this was the river they sought, judging from its size, yet they were by no means sure, for its appearance did not tally with the description in Hennepin's book which served to guide them. Bienville boldly asserted the French claim to the country, and pretended that he had a force at hand sufficient to maintain it. Rather surprisingly, the English gave up their intention and sailed away, though they too advanced a claim to the river by virtue of supposed explorations made by one Wood [1] some fifty years before that time.

As soon as a start could be made, Iberville himself took sixty men in two barges through Lake Pontchartrain and up a little bayou (probably St. Jean) which he says was about four leagues below the Iberville on Bayou Manchac. Thence a short portage over the present site of New Orleans brought him to the Mississippi. A little above the portage was a deserted Indian village on a ridge of land not reached by the overflow. Here, with seed brought from St. Domingo, Iberville made the first planting of sugar-cane.

[1] See Coxe's *Description of Carolana*. Also II French's *Historical Collections of Louisiana*.

Early in February, 1700, a small blockhouse, with stockade and powder magazine, was erected on the river about eighteen leagues from the mouth, and then the party set out on the second journey of exploration up the river. Tonti, who had learned of the settlement, had come down with a party of Canadian *voyageurs* to offer his assistance, and undertook the mission of going among the powerful tribe of the Chickasaws to counteract the hostile influence which English traders were already exercising upon that warlike nation against the French.

Iberville had intended to ascend Red River and visit the country of the Natchitoches and the Caddodaquious, but a wandering band of Little Tensas told him that the stream was unnavigable and that they themselves always went overland by a trail which led out from the village of the Big Tensas just above the Natchez. Thither Iberville led his party, and spent some time among these most interesting of all the southern tribes. He was prevented, however, from making further explorations by a severe lameness, and accordingly dispatched Bienville with twenty Canadians and a few Indians to explore Red River. Returning to the little fort on the lower river, he was seized with a slow fever and lay ill there for some weeks. In fact, he had not long been sufficiently improved to go on to Biloxi when, on the 18th of May, 1700, Bienville returned to Fort Maurepas from the Red River country.

This expedition of Bienville greatly enlarged the French knowledge of an important portion of Louisiana. Leaving the village of the Tensas in March, he had taken the overland route pointed out to him. On the first day's march, he had found the country overflowed, and his men were forced to wade through water up to their knees. Many rivers were crossed on rafts or by swimming, in spite of the danger which was threatening by the presence of swarming "crocodiles." The same obstacles blocked the whole progress. The weather was cold,

and rain fell in torrents for days together. Often the men stumbled unawares into streams hidden under the general overflow. Bienville, who was a short man, notes in his journal his envy of the advantage which tall men possessed in this pastime. Often at night no place could be found to pitch the camp, and the men, wet and shivering, perched dismally in the trees "to get warm." Hunting was good, and therefore provisions were plentiful, but the men soon began to fall ill from the strain of such marching and exposure. On the 28th of March they reached Red River, at the village of the Ouachitas. The village was poor, and little comfort was to be found in it. The river at this place was, as Bienville reports, "about one hundred and eighty paces wide and as swift as the Mississippi." As the party pushed on, the rain still fell. Hunting now failed and provisions ran short. It was almost impossible to get even corn from the few wretched Indians. For days the march led through water waist high. Many dense cane-brakes had to be cut through. Many a day the party got forward only three or four miles. "Surely," writes Bienville, "this is fine work to temper the fires of youth; but we never leave off singing and laughing to show the guide that we do not mind fatigue and that we are a different sort of men from the Spaniards." Finally he met a party of Natchitoches and got from them some information about their country, but did not visit their village. He made an attempt to reach the town of the Yataches, but the swollen current and the flooded land discouraged him, especially as his men were now exhausted, as they were confronted with the danger of starvation, and as only twenty days remained to get back to the ships. He therefore resolved to turn back, for the Indians now told him that there were no mines in the country and that, some five leagues west of the Caddoes, the Spaniards had a large settlement of white, black, and mulatto men and women. The return was made by river in pirogues. On the 11th

of May he reached the fort on the Mississippi and on the 18th arrived at Biloxi.

Iberville was physically unable to undertake further exploration. Still sick of the clinging fever, he left the colony in the charge of Sauvole, and set sail for France at the end of May, 1700.

The summer wore away uneventfully, and the winter passed for the little garrison on Biloxi Bay without much activity of any sort. In the spring of 1701, however, the colony was enlivened by the arrival of a character who, though unimportant in a practical sense, nevertheless should have a place in any record of the times as a type of the imaginative adventurers who found too ready a hearing. This fellow, a Canadian, Matthieu Sagean by name, while serving in a company of marines in France, told a marvelous yarn of a discovery which he had kept secret for twenty years. As he could not write, his narrative was taken down from dictation and sent to Pontchartrain. It is still preserved among the archives of the Bibliothèque Nationale.[1]

Sagean claimed to have discovered, somewhere to the southwest of the Falls of St. Anthony, a marvelous country which he called the land of the Acaanibas — a land of entrancing natural charm, material wealth, happiness, and spiritual prosperity, ruled in gorgeous splendor by a king who maintained all the state and displayed most of the characteristics of Solomon. In this paradise, a balmy climate induced a long life free from ills and physicians; all the fruits of every zone flourished here in wanton profusion the year round; and the woods were a huntsman's dream of heaven. At a stroke this circumstantial liar outdid all the inventors of ideal republics and blissful islands since Plato. Into that one felicitous spot he crowded all the means of earthly happiness. No pleasure of sense was lacking to these blessed inhabitants; they lived in an ideal democracy, for in it all men

[1] Reprinted by Shea, and by Margry in his sixth volume.

were free and equal, and yet possessed a king who was a brilliant though harmless symbol of that visible power which the many-headed beast most adores; and thus, living in idyllic peace with themselves and all the world, these favored ones drifted through life exempt from fleshly ills and mortal cares to an easy death, a mere unobtrusive exit, as it were, untroubled by metaphysical doubts or theological terrors, for their sole belief touching the momentous problem of existence was contained, according to Sagean, in the theory that the species of monkey which they called Bichilly, or, being interpreted, "beautiful beast," was their ancestor, and that to his form they might return after their human term.

For a time these extraordinary statements were received with credence in France, though Le Sueur, who knew Sagean as well as the country which he pretended to have visited, flatly denied the possibility of the whole tale; but Pontchartrain sent Sagean out to Louisiana with a recommendation to Sauvole. The land of the Acaanibas, however, was never rediscovered, and Sagean seems to have lapsed quietly into obscurity when he found himself among so many blunt pioneers who all knew him to be a liar. Le Sueur, moreover, had just returned from extensive explorations in the country west of the upper Mississippi, in the same direction in which Sagean pretended to have gone. Needless to say, he had not seen the land of the Acaanibas, nor, by the way, had his own schemes been rewarded with very substantial results; for his famous green hill was not verdigris, as he supposed, but only a coloration caused by the presence of silicate of iron in the soil. Nevertheless, he shipped to France some four thousand pounds of the stuff together with some specimens of copper.

Meanwhile, the king and France were occupied with events of such importance that the little band of pioneers in Louisiana was forgotten. Iberville, too, was prevented from returning to America and continuing the

prosecution of his plans by his duty to his country as an officer in her navy, for to all eyes the approach of a great war was evident. Louis had roused the English by support of James the Pretender, son of the dethroned James the Second. He had stirred the Dutch to resistance by his encroachments upon their frontier. He had antagonized Austria by his successful plan to obtain the throne of Spain for his grandson, the Duke of Anjou. After the young duke had been crowned and Louis had declared that there were no longer any Pyrenees, in the first general belief that France could now control Spain, Pontchartrain did indeed bethink him sufficiently of Louisiana to have Iberville prepare a memorial which he hoped would induce Spain to relinquish Pensacola to France. This sophistical document was presented to Philip early in 1701, but was proudly and courteously rejected by the Junta, to whom the king had referred it. No actual help was sent to the colony, however, and the colony was unable to help itself. Sauvole, as a born Frenchman, expressed his contempt of the Canadians. The Canadians showed their contempt for him by refusing to obey his orders. The priest, Du Rhu, meddled between officers and men. But all suffered alike from famine. Then came the fever through the trying summer of 1701, and Sauvole took to nursing his erstwhile insubordinates, venting his irritation the while in his journal, and swearing that the Canadians deserved no consideration, since they had brought the sickness upon themselves by their excesses. In August, Sauvole himself was stricken and died. Bienville assumed command of the colony.

Not until December, 1701, was Iberville able to visit his settlement. Then he ordered Bienville to build Fort Louis de la Louisiane and start a new town at what was thought to be a more favorable site, at Twenty-Seven Mile Bluff, on Mobile River.[1] Early in the spring he

[1] See Hamilton's *Colonial Mobile* for accessible and complete accounts

put up a magazine and station for the landing of immigrants on Massacre (now Dauphin) Island, off Mobile Bay. In April he returned to France and demanded new colonists, especially women, without whom the settlement would never be anything but a camp of adventurers.

Unfortunately for his plans and for the prosperity of Louisiana, he was destined never again to see his cherished settlements. In May, 1702, the Grand Alliance, representing every branch of the Teutonic race, had declared war against the leagued powers of France, Spain, and Bavaria. The strong sentiment of hostility in England against Louis's ambitious pretensions had led Queen Anne to follow the policy of William III and send Marlborough into the field. France was already beginning to taste the first bitterness of defeat and failure. Her danger was great. The days of the Sun-King's glory were beginning to shorten and to cast long shadows. No colonists could be sent to Louisiana, and Iberville himself, enfeebled as he yet remained from his last illness, went into war service as captain of a vessel.

Remote as were the issues of the war of the Spanish Succession, the American colonies of France and England took a half-hearted part in it; but on this side of the ocean, Queen Anne's war was merely a feeble reflection of the terrible struggle that shook the nations of Europe. In the South, within Bienville's territory, something of the effect of the war was felt. The young commander, expecting an invasion of the British, had made his establishments as strong as his means allowed, and he had continued, with great success, Iberville's policy of conciliating and consolidating the Indian tribes, though often the constant drain of necessary gift-making reduced his own neglected followers to the verge of starvation. In spite of the fact that he had to deal with some of the most warlike nations of North America, he had hitherto

of the Gulf colonies. Also journals of Iberville, Sauvole, and Bienville, with other papers in Margry's collection.

conducted his whole course of exploration and colonization without a clash. But now the English trader from the Carolinas, with his pack of goods, had gone among the outlying tribes, doing the same work of insidious hostility among them against the French that the Jesuit missionary had accomplished among the northern tribes against the English. It was the English trader with his cheaper and more attractive merchandise who bought, bullied, and fought his way to success and broke the influence of the more beloved French. The French had depended chiefly upon their priests to hold the Indians, but the priests had become largely the cause of the final misfortune, for they jealously fought the traders of their own nation, and in order to hold their personal influence over the Indians, often refused to teach them French or win their allegiance to the civil authorities. Sooner or later the commander of every French post found them a thorn in the side and an obstacle to success. Unhappily the king had fallen so completely under ecclesiastical influence that even his petty officers had at least to "profess" his creed and tolerate the changed conduct of the missionaries as far as endurance was possible. When the war broke out and the English felt free to make more open efforts to detach the friendly savages, Bienville soon found that he had small means to oppose them. While an English fleet hung about the Gulf and kept the colony in a state of anxiety, the Indians were incited to petty raids. The first outrages were committed upon the more faithful of the missionaries. Father Davion, driven in from the Tunicas, told of the murder of the venerable Foucault by the Coroas. Other missionaries and many converted Indians were massacred. Bienville retaliated, after the New England method, by offering to reward his allies for the scalps of the enemy, and encouraged the intrepid *coureurs de bois* to deal the harshest vengeance wherever the chance offered. In fact, Louisiana in this war found herself in the same position with

reference to the English colonies as New England did to Canada, each being similarly exposed to the massacres to which their enemies bribed the savages.

In the summer of 1703, the internal condition of the colony was somewhat improved by the arrival of twenty-three young women of good character and appearance. These, with a few artisans, a parish priest, and a curate, helped to give the little post something of the appearance of a village. But the vessel that brought them brought also the yellow fever from Havana, where it had touched on the way over. Thirty of the new soldiers and half of the crew died, and Bienville had to give twenty men from his feeble garrison to assist in getting the ship back to France. In all, about two thirds of the little settlement fell victims to the pest. But the greatest loss of all was that of the brave and good Tonti, who happened to be then visiting the fort on the Mobile. No pioneer of France had a record more full of heroism and work than his, and yet none had so modestly effaced himself from publicity or kept so absolutely clear from the intrigues which disfigure every other career, even the most brilliant. Thus it is perhaps fitting that this simple yet great and noble-hearted man should lie almost forgotten in an unknown grave, having laid down his life as he laid down his work, without a word or the desire or expectation of praise or reward.

The record of the colony now becomes only a list of Bienville's anxieties and cares and a scandalous memorial of the bickerings and intrigues of the royal commissary La Salle and the Curé La Vente against their commander.[1] When the ship Aigle came to Mobile in the summer of 1706, she received and bore away to France a sulphurous cargo of slanders and accusations from the pens of La Salle and La Vente against Bienville, who, in his turn, had a full list of complaints and requests.

[1] See chapter xiii of Miss Grace King's *Bienville* for a full review of these disputes.

But now in September, Chateauguay, returning from Havana, brought the disheartening news that Iberville had died there in July, while organizing a powerful armament to attack the Carolina coast and finally fulfill his old ambition of gaining complete domination of the Gulf of Mexico.

The colony was now without a protector. The dreary records of disputes and the conflicting reports and complaints that still crowd the Archives de la Marine and swell Margry's huge volumes proved nothing but the futility of the national colonial system. The report of the Intendant D'Artagnette, who was sent out to investigate the charges brought by the cabal against Bienville, is a convicting commentary upon the extent to which France had profited by the explorations of La Salle and the labor and counsels of Iberville and Bienville. In the whole colony there were only eleven men not in the direct employ of the king, a garrison of one hundred and twenty-four (counting priests), twenty-eight women, twenty-five children, about fifty cows, and a few pigs and chickens.

This report led Pontchartrain to investigate in another direction. The government had been constantly sending money to the colonies, and yet the colonies complained that no money had been received, as indeed the wretched condition of every settlement evidenced. The investigation proved that the colonial subsidies stuck in the hands of the French officials charged with the duty of disbursing them. To such extent had this corruption spread that France now had not a single self-supporting colony and no navy to defend her against that of England.

Pontchartrain was now eager to find some one to take Louisiana off his hands. The Sieur de Rémonville was induced to go out in 1711 with a shipload of supplies. He found that floods and the danger of Indian attacks had forced the colonists to abandon the first fort at Twenty-Seven Mile Bluff on the Mobile and remove

the settlement to the site of the present city of Mobile. During the long interval of neglect, the abandoned people had suffered from famine, disease, and discontent until many of the soldiers began to desert and go over to the English in Carolina. Every year Bienville had been forced to quarter parties of his young men among the Indians. Pénicaut in his journal describes his jaunt with some merry companions among the Natchez and the relief from the dreary restraint and suffering of the settlement. They were gay enough — these parties — the dancing and frolicking with the Indian girls and the hunting expeditions, and they make a fascinating tale in his sprightly pages, but they did not make a sound colony. Bienville complains that, at the first mention of work, his young men would desert to the woods. It was the old story of Canada repeating itself.

When D'Artagnette went back to France, he presented a plan which had long been the cherished hope of Bienville, namely, to transfer the colony to a site chosen by Bienville on the Mississippi, where the rich soil would easily enable a few colonists of the right sort, farmers and mechanics, to support themselves and form the basis of a stable settlement. But Pontchartrain had had enough of Louisiana, and just at this time he had found a man who was willing to relieve him of the entire colony.

CHAPTER III

JOHN LAW AND THE MISSISSIPPI BUBBLE — SEAT OF GOVERNMENT AT NEW ORLEANS

Antoine Crozat came as a veritable messenger of Providence when he offered to take Louisiana as a commercial speculation. A bargain was soon struck. Crozat, a man of great wealth and capacity for business, wanted title, seignorial rights, landed estates vaster than those of princes of the blood royal. Pontchartrain now wanted little more than to be rid of the expense of maintaining an unprofitable colony; for France was in a condition of depression that had been inconceivable a few years before. The state was burdened with debt, the people loaded with taxation, the resources of the country crippled, and even military prestige was fast sinking before the victories of Marlborough and Prince Eugene.

On September 14, 1712, the king granted to Crozat the exclusive right of trade for fifteen years free of duty, throughout all the territory lying between the Illinois and the Gulf and extending from the English colonies westward to the Spanish colonies. Whatever mines might lie within these vague limits were granted in perpetuity, subject to forfeiture if abandoned. Whatever land might be reclaimed and cultivated and whatever manufactures might be established were also granted upon the same terms. Crozat was also given the exclusive right to trade in all hides and furs except beaver-skins — Canada being thus protected; and all other persons caught trading without the proprietor's orders were to be subject to confiscation. He was furthermore allowed the privilege

of sending one ship annually to the Guinea coast for negro slaves to cultivate his lands or to be sold to the colonists. On his part, Crozat bound himself to send each year two shiploads of settlers, and after nine years was to bear all the expenses of the colony including the pay of officers and garrisons, but until that time the king agreed to contribute fifty thousand livres a year. The laws, edicts, and ordinances of France and the custom of Paris were to serve as the laws of Louisiana, and the executive function was intrusted to a council appointed by the king from Crozat's nomination. Two of Crozat's accredited agents were to represent his interests in this body.

In order to start with a clean slate, the new management sent out, in May, 1713, a new set of officials with Lamothe Cadillac as governor. The superior council, appointed for three years, consisted of the governor, the intendant, and Crozat's two agents.

For a brief time, now, one reads, in the colonial journals and correspondence, of the arrival of ships, men, and merchandise. There was also an immediate, though slight, increase of population. But the fatal restrictions laid upon trade began at once to be felt, not only in the colony, but by the great speculator himself. He had planned to sell all supplies to the settlers and to buy of them peltries for the European trade, and, to drive better bargains, had obtained monopolies. However, his monopolies did him no good, for the people had no money to buy his over-priced merchandise, and he offered such low prices for peltries, in reliance upon the rigidity of the trade laws, that the independent *coureurs* sold their furs in the woods to English traders at a better profit, in spite of the war and in defiance of the king's ordinance. Even among the friendly Indians, the French lost ground to the Carolina trader, who offered better goods at cheaper prices than did Crozat's agents, and paid more for what they bought. Even the pitiful trade in vegetables with the Spaniards at Pensacola ceased, for the colonists were

forbidden to own sea-going vessels. Finally, when the peace signed at Utrecht opened the Spanish ports to the English and closed them against the French, Crozat was deprived of his hope of initiating a profitable trade with Mexico. Moreover, the officials sent out had been unfortunately chosen. Cadillac got himself cordially hated by the Canadians and Indians. Even Bienville threw obstacles in the governor's way. So Bienville, doubtless to his own relief, was sent to take command of the post on the Mississippi. In this part of the province, which to his mind was the proper field for colonization, there were but few French. A few stragglers were scattered among the Tunicas, Natchez, Yazoos, and Bayougoulas; St. Denis had been sent by Cadillac in 1714 to take possession of the Natchitoches country, in order to anticipate a rumored Spanish advance in that direction and to establish, if possible, a contraband trade with Mexico by the overland route through Texas; but, west of the bay of Biloxi, the French had at this time only one establishment, the little fort on the lower Mississippi built by Iberville's order.

Bienville had been instructed to establish a post among the Natchez, but he found that these Indians had been offended by a breach of etiquette on the part of Cadillac, and were waylaying, robbing, and even killing whatever straggling hunters or traders they might pick up on the river or in the forest. Thus the task of subduing and punishing the mistaken Natchez fell, of course, upon Bienville, but he could extort from the governor only the insufficient force of thirty-five men. Nevertheless, confident in his long experience with the savages, he set out with his little army, and, by a treacherous stratagem worthy of savage guile, succeeded in getting possession of eight of the principal leaders of the tribe, including the chief Sun and two of his brothers. By a judicious and threatening use of these sacred hostages he obtained the heads of the chiefs who had ordered the

murder of the Frenchmen, and forced the tribe to allow the erection of a fort at their chief town, and even to furnish all the lumber required for its construction. By the end of August, 1716, Fort Rosalie of the Natchez was erected and garrisoned.

Bienville returned to Mobile in October, to learn with joy that Cadillac had been recalled and that he himself had been put in command until the arrival of a new governor.

He was again slighted, however, and his long service ignored in the appointment of De l'Epinay to succeed Cadillac, and he was not to be consoled by the gift of the Cross of St. Louis and the grant of Horn Island. So one is not surprised to learn that after De l'Epinay's arrival, in 1717, the old story of mutual slander and complaint began again. But now the blind policy of bottling the feeble trade of the colony had finally produced a complete atrophy of all activity, and the absolute drain of expenses and the failure of any profit bore so heavily upon the proprietor that in 1717 he prayed to be released from his agreement. This release was readily granted, for a newer, a wilder, a more fascinating scheme had been now presented to the bankrupt government.

Louis XIV had died in September, 1715, and the little Duke of Anjou, as Louis XV, had ascended the throne under the regency of the Duke of Orleans. The death of the great king seemed to remove in a breath the glamour which the magic of his personality had cast upon the eyes of men. The poverty, the tottering weakness, the rottenness of the nation, now stood out suddenly before the eyes of even the French with the stark outlines of a deserted ruin against the failing glow of a sunset sky. The soul that had created and animated this most dazzling incarnation of monarchy had gone forever. The decadence of the old order was suddenly and startlingly seen to be almost complete; and the new had but begun to stir before its birth of blood. The icon-

oclastic ideas of the Revolution were beginning to be felt, but vaguely, incoherently, as fear, discontent, uncertainty. Meanwhile, France was to suffer; the treasury was empty, the army unpaid, the country barren with deserted houses and hideous with a starving peasantry. Total bankruptcy seemed to threaten the government. The Duke of Orleans did indeed surprise even his friends, perhaps, with a brilliant, though impractical, beginning at reform. Twenty-five thousand men were discharged from the army; but the unloading of such a horde of the unemployed upon the country merely increased the general beggary, and even the offer to exempt any discharged soldier from taxes for six years if he would reclaim a deserted farm failed to people the rural desert or to bring crops from the hungry fields. An examination of the public accounts proved them to be corrupt beyond all conception. An attempt was made to raise money by enforcing penalties and fines upon the delinquent tax-farmers (*traitants*); but though some four thousand of these harpies who preyed upon the starving peasantry and robbed the nation of even this unjust revenue were found to be liable to the various penalties of death, torture, or fine, none of these punishments, save a fine in a few cases, were ever inflicted, and influence, as of old, bought off the judges of guilt. Nothing was remedied; the corruption was too deep. In addition to this weakness, Louis XIV had left to France a debt estimated at two billion five hundred million or even three billion livres. To raise the money for his conquests and his palaces, his art, his refinements, and his luxurious vices, he had pledged the revenues of the nation for several years to come. The Regent was therefore forced to scale down the debt by a partial bankruptcy, as it were, and to place the remainder in the form of notes (*billets d'état*), but these fell at once to a hopeless discount of seventy per cent, and the remedy for the beggary of the country was as far off as ever.

There now appeared upon the scene, John Law, a Scotch gambler and financial schemer, who had been turned away with his plausible juggling of figures by Louis XIV. and by every nation of Europe. The Regent, however, had a natural affinity for such miraculous strokes of fortune as Law promised to invoke, and his own mobile imagination was kindled by the luring offers of the Scotchman. In the midst of a really hopeless difficulty, Law came offering to transform at a word the chaos into order, the poverty into wealth. Law was first allowed, as an experiment, to establish a bank in May, 1716, with a capital stock of 6,000,000 livres, divided into shares of 500 livres each. This venture, being well secured, well managed, and limited to the legitimate operations which make the modern bank successful, won an immediate and convincing success. The Regent was encouraged to embark further. Law was allowed to form the Company of the West to control Louisiana upon practically the same terms as had been granted to Crozat, to exploit the colony, settle it, and work its supposed mines of gold and silver. By means of this company and the bank, Law's plausible theory promised to rid France of its outstanding debt, which, it will be remembered, had been placed in notes or *billets d'état*. In September, 1717, the Company of the West was organized with an indefinite capital, limited by an edict of the following December (1717) to one hundred million livres [1] capital stock divided into shares of five hundred livres each. These shares could be bought and paid for only by the government's *billets d'état*. Thus the new company nominally assumed a large part of the public debt, though the same creditors, the holders of government notes, were the real creditors then as they had been all along. As these notes were paid to the Company for stock, the Company surrendered them in sums of 1,000,000 livres to the government and received in return

[1] The livre and the franc were of substantially the same value.

rentes or bonds in perpetuity bearing four per cent interest on the principal. Thus, reasoned the plausible Law, the Company would be certain of a revenue of four per cent on its capital; the people would be eager to take the stock, especially the creditors of the government holding its depreciated *billets d'état;* and the government would be freed from the immediate pressure of so much of its debt as was thus occupied. As an additional inducement to investors, the Company held out the prospect of dazzling profit from the exploitation of its Mississippi concession. The Company could grant lands to settlers free of feudal obligation and exempt from taxation during the term of its franchise, which was to run for twenty-five years. On its part, it agreed to import six thousand white colonists and three thousand negro slaves. One wise departure from the usual narrow scheme of colonization was made in encouraging the investment of foreign capital and the immigration of foreign settlers, by securing their property from confiscation in case of war and from the *droit d'aubaine*, or resumption by the crown of lands and other property left by an alien at death.

Law was made chief director of the Company, and during the first two years the management of colonial affairs was to be intrusted to a board of directors appointed by the king. After the expiration of two years, the directors were to be elected by the stockholders, each holder being entitled to one vote for every fifty shares. The extent of territory was the same as that vaguely granted to Crozat. At least a portion of Texas was nominally included, but the Spaniards, as St. Denis had found, were in actual possession, and the farthest point west maintained by the French was the little post at Natchitoches established in 1717.

In addition to the vast grants and powers already given to the Company, the government finally allowed it the same monopoly of trade with Senegal and the

East, and the Company was then called *La Compagnie des Indes*, though still popularly known as the Mississippi Company. An extensive system of advertising was immediately put in operation. France was flooded with descriptions of the natural wealth, inexhaustible mines, healthful air, and docile natives of Louisiana. The Mississippi was pictured as a veritable Pactolus; Louisiana was synonymous with El Dorado; and Law's stock began to sell. In some mysterious way this extraordinary man seems to have hypnotized the whole nation, from the Regent to his own coachman. Not satisfied with what was already done, he gained the ear of the Regent for a far more dangerous scheme. His especial fancy was that a large amount of the circulating medium of exchange would infallibly produce prosperity. Paper money stamped by the government would serve as well as coin and might be issued in any amount. The Regent was just the man to be caught by this magic method of laying the ghosts of old debts. The operations of Law's bank were extended. It was now called the Royal Bank, and assumed many of the prerogatives of the national government. Through it an incredible number of bank notes were issued, amounting finally to 3,000,000,000 livres. With these notes the Company's stock could be bought, and the government paid them out to its creditors, who were practically forced to put them in the stock of the Company. Thus in a dizzy circle went the fatal merry-go-round, gayly whirling to Law's endless tune of prosperity unceasingly ground out by myriad presses spouting a perennial stream of prospectus and pamphlet. The sole security for this stupendous operation lay in the profits which the Company was to make from its settlements on the Mississippi. The mistaken conception of this paradise, encouraged by unscrupulous advertising, caused the most incredible delusions as to the real nature of the land or its real source of wealth. In the madness of speculation, men lost all reason and facts were forgot-

ten. The stock was taken so rapidly that the capital was arbitrarily increased to meet the demand. The shares doubled, tripled in market value, and finally rose from 500 to 10,000 livres and even higher. At this point, some of the first purchasers began to sell, and a temporary depression was felt. It was met by the Company purchasing its own stock. The government, being heavily in the scheme, came to the rescue of the Company, and was ever ready with any legislation which Law fancied might help along the gigantic fraud.

Colonists were needed. The noble families who now owned large estates in the wilderness along the Mississippi had pledged themselves to send settlers to their concessions. Emigration must be started at any cost. So the government went boldly to the task of ransacking the jails and hospitals. Disorderly soldiers, black sheep of distinguished families, paupers, prostitutes, political suspects, friendless strangers, unsophisticated peasants straying into Paris, all were kidnapped, herded, and shipped under guard to fill up the emptiness of Louisiana. To those who would emigrate voluntarily the Company offered land, free provisions, free transportation to the colony and from the colony to the situation of their grants, wealth, and eternal prosperity without labor to them and their heirs forever; for the soil of Louisiana was said to bear two crops a year without cultivation, and the amiable savages were said to so adore the white men that they would not allow these superior beings to labor, and would themselves, voluntarily and for mere love, assume all the burden of that sordid necessity. Endless variations were played upon the theme of gold and silver mines, pearl fisheries, a balmy climate that abolished disease and old age, and a soil that had but to be tickled to give up, almost as one wished, either the smiling harvest or the laughing gold.

Such a state of affairs had never before been known. The street Quincampoix, where the stock jobbing centred,

was given up altogether to packed offices let out at exorbitant rates. From morning to night the narrow way was packed to suffocation. Huge fortunes were made in the first impetus of speculation. Distinctions of class, birth, and profession seemed about to be annulled by the wide-flung favors of fortune. Law's coachman became a capitalist, and princes of the royal blood waited among the expectant herd in the magician's antechamber. To produce the human food required by the hungry octopus, the agents of the police scoured the kennels and alleys of Paris and the deserted by-ways of the provinces, and many a shipload of wretchedness was sent to the wilderness as a sacrifice to the new god. Paris had become infected with the temper of the Regent. This gifted, worthless man, to whom, as his mother said, the fairies had given all the talents save that of making use of them, had not only touched, with his contagious vices and love of pleasure, his debauched court, but had given the people also a brilliant example to imitate. Pleasure demands wealth; and here was Law's scheme offering at once wealth, pleasure, excitement, power, and estates upon the Mississippi even to the petty bourgeois who had hitherto hardly dared to dream beyond his four walls of commonplace.

And now the full tide of the boom began to reach Louisiana. The emigrants, hurried out to fill seignorial grants, began to arrive in swarms and were dumped helplessly upon Dauphin Island. The first three shiploads arrived in 1718. Bienville was given the command once more to meet the new responsibilities. In spite of the fact that many convicts and undesirable women came in this first lot, the colony responded to the European enthusiasm, and for a short time an increased activity was displayed. Bienville, eager to take advantage of the turn of sentiment to further his long cherished plans, hastened to the Mississippi, sounded the mouth, and soon had fifty men at work, during the month of February,

1718,[1] clearing the site which he had chosen for his future metropolis, the present New Orleans. In June, three hundred colonists for the Mississippi arrived. One hundred and fifty-one of these were sent to the Natchez, eighty-two to the Yazoos, and sixty-eight to New Orleans. We have in this year the first census of New Orleans, with the names of the more important inhabitants.

Goy and his people	9
Pigeon	1
Rougé and his people	6
Duhamel and his people	3
Bugnot and his people	9
Dufour and his family	6
Marlot de Vernelle and his valet	2
Le Gras and his people	4
Le Page and his people	10
Couturier and his people	4
Robert, his son and daughter	3
The 3 Orillant brothers and 3 men	6
A mason, a hairdresser, a chirurgeon, and their assistants	5
Total	68

From this time, ship after ship came in loaded with settlers. In August, 1718, there had arrived eight hundred in three ships; and among them was Le Page du Pratz, that charming first historian of Louisiana. These vessels disgorged upon Dauphin Island a disorganized mass of humanity that heaped labor and responsibility upon Bienville and drove him well-nigh to his wits' end. Many of the new colonists were from the refuse of French prisons, hospitals, and houses of correction, many were mere adventurers, many had been deluded by false promises, and all were sick from the hard voyage and clam-

[1] Pénicant states that the town was begun in 1717. The later date is preferable, however.

oring for the supplies, lodgings, and transportation to the lands which had been promised them. Upon Bienville fell the task of fulfilling the pledges which the Company itself could not make good. Crowded, unsheltered and unfed, upon that barren sand heap, the wretched emigrants sickened, grew discontented, starved, and died; yet there they had to wait until Bienville with his few boats and small force of efficient men could parcel them out about the country. He sent one hundred to the Illinois, and dispatched as many as he could to the Mississippi, to Bay St. Louis, Biloxi, and Mobile; yet, faster than he could dispose of this mass of confusion, the infatuated enthusiasm in France continued to unload upon him and Louisiana.

In the midst of the excitement, in April, 1719, news was brought that war had broken out between France and Spain, and Bienville seized the opportunity to take Pensacola and burn the fort; but peace, declared in the following February, restored the place to the Spanish, and left the two colonies in the same relative position towards each other.

The colony now had a more efficient local government and the Company had taken the most energetic measures to people its desert places, but these efforts had been fatally misdirected and had therefore produced no profitable results either to the colony or to the stockholders of the Company. No mines had been found, and the settlers sent out had, in most cases, been either incapable of tilling the soil or unwilling to undertake any honorable labor. Consequently Louisiana was a drain instead of a source of profit. The value of the Company's stock began to fall, and a movement among its holders to realize produced the first symptoms of panic. The government, too deeply interested to draw back, attempted to assist the Company by even such extraordinary legislation as the demonetization of gold and silver in order to compel the bank notes to float; but the fictitious security

was gone, and panic spread as rapidly and madly as had the first fever of speculation. The government was desperate, for the failure of the Company would be a national calamity. Every effort, save the right one, was made to reëstablish its security. If the Mississippi territory could be made to pay, all might yet be well. Unhappily no remedy was thought of but the sending out of more worthless colonists. Again there was a ransacking of the holes and kennels of Paris. If the first shipments had been bad, the later were worse. Then, when the worthless rabble refused to till the vast "estates" of their titled landlords on the Mississippi, the Company sent African slaves by the hundred. Law did indeed send out some industrious Alsatian families destined for his own huge grant on the Arkansas, but these also, being left among the crowd on Dauphin Island, paid the usual death tribute to the scheme, and only a few survived to settle finally on the Mississippi just above New Orleans.

At last the Company awoke to a realization of the horrors being enacted on Dauphin Island, and fancied that a change of capital might remedy matters. Bienville put in a plea for the Mississippi and the site he had selected between Lake Pontchartrain and the river, but Hubert the intendant, backed by the European directors, decided in favor of the old fort on Biloxi Bay. In 1719, therefore, the seat of government, or, rather, the centre of confusion, was removed from Mobile to this place.

Du Pratz describes the wretchedness of the situation and the folly of its selection. Ships, he says, could not come within three or four leagues of the shore, and goods could be gotten to land only by three changes from smaller to yet smaller boats, and even then carts had to be sent out a hundred paces into the shallow water to meet the last relay. Here, too, famine and disease slaughtered their hundreds, white and black. Dumont says

that the bodies often lay in unburied heaps on the sand, where the wretches had fallen and died.

Meanwhile financial panic in France was spreading ruin of another sort. In its efforts to protect Law's bank and India Company, the government had not only demonetized specie but had declared that no person should hold more than five hundred livres in either gold or silver coin under pain of confiscation. Specie promptly disappeared from circulation, was sent out of the country, hidden, or melted down into plate. The informer drove a thriving trade. So completely, however, did specie disappear and so little was gained by this act of confiscation, that the government now went to the extreme length of arbitrarily scaling down the value of the outstanding bank notes by one half. This was more than the defrauded people could endure. There was a run on the bank. Men, eager to save anything from the general wreck, were crushed to death in the crowd that surged against the doors of the bank. A riot broke out in the city. Law was attacked, his carriage broken to pieces, and his own life saved only by the protection of the Regent. Finally the Regent was compelled to send Law penniless out of the country, for the wretched financier had received the whole blame of the failure for which he was but partly responsible, and his continued presence in France under the favor and protection of the Regent might have precipitated a revolution.

In the midst of the suffering that followed the collapse of Law's bubble, the capital of Louisiana on Biloxi Bay and the old fort were destroyed by fire. The question of removing the seat of government again came up, and Bienville again made a plea for his site on the Mississippi. Hubert and a majority of the council were still opposed to him, however, and, backed again by the European directors, chose in 1721 the site now occupied by the present town of Biloxi.

Bienville knew that this choice would not be perma-

nent. Accordingly he set about demonstrating his theory that a town situated on the Mississippi would grow. He removed one objection to his site by sending a fully loaded ship through the passes and up the river to New Orleans. He also had the Sieur Pauger, who was assistant to the chief engineer, La Tour, lay out the streets of the future city of New Orleans, which he had determined to build up in spite of all short-sighted opposition.

Though it was becoming constantly more evident that the Mississippi valley was to be the centre and support of the French establishments, this neglected field showed but little progress towards civilization since the first measures taken by Iberville. Pauger found New Orleans itself but a small collection of thatched huts, and he had been forced to cut his way through tangled forest to run his lines for streets and boundaries. Yet, on the banks of Bayou St. Jean, settlers like Le Page du Pratz had built their homes and were living an idyllic life of tranquillity. About twenty miles below the town, the remnant of the band of German farmers sent out by Law for the Arkansas was located in a thriving line of small farms on the fertile lands of what is now St. Charles Parish. Fort de Boulaix, still lower down the river, and the settlement at Pointe Coupée were enjoying a modest degree of prosperity. La Harpe at the Natchitoches had been attempting to extend the French boundary farther westward and to establish trade with the Spaniards on Trinity River. St. Denis, after testing the temper of their government in his attempts to establish trade with Mexico, abandoned the plan as hopeless. The French still claimed Texas on the strength of La Salle's disastrous attempt at settlement on Matagorda Bay, and the European directors were constantly insisting that the coast of Texas should again be occupied. In 1720, six men were landed about one hundred and thirty leagues west of the Mississippi, and left to their fate. In 1721, La Harpe took possession of Matagorda (or St. Bernard)

Bay, but the hostility of the Indians compelled him to abandon the place. In fact, the whole of this territory was either in the possession or under the influence of the Spaniards. The French therefore abandoned it after this attempt of La Harpe, and never afterward established a post beyond the western limits of the present State of Louisiana. In view of the disputes as to the real western boundary of the province known as Louisiana which arose at the cession of the territory to the United States in 1803, it is well to bear the present facts in mind, and it is not out of place to record here the comment of Barbé-Marbois at the time of transfer. "The act of possession," he writes,[1] "in the name of France included the territory between the mouth of the Mobile and St. Bernard (Matagorda) Bay. It was but feebly contested by the Spanish, and the relations of friendship and mutual interest which were established at the beginning of the eighteenth century between the two kingdoms caused a cessation of the protests of the court of Madrid. However, there was absolutely no settlement of boundaries; and it seems as if, on the one hand, the Spanish feared that if the line were exactly defined they might have to make concessions, and that, on the other hand, the French had no wish to confine their possible growth within limits too exact."

The failure, therefore, to plant a successful colony on the Gulf coast, and the impossibility of spreading westward into the region of the silver mines, forced the French to the more profitable course of concentrating their efforts upon the settlement of the Mississippi valley. Bienville, laboring with this aim in view, had had Pauger busily at work sounding and examining the mouths of the river. This engineer found that the shallow water at the entrance was caused by the bar of sand and mud disgorged by the stream, and that the current could be made to deepen its own channel if the banks

[1] *Histoire de la Louisiane*, p. 114.

were narrowed by a system of jetties which forced the water to flow swiftly in a narrower stream out to sea. This plan was not used until Captain Eads, a hundred and fifty years later, put the same system into operation, but it had been demonstrated that New Orleans could be made a port for the largest sea-going vessels.

In July, 1721, Duvergier, the new president of the Superior Council, was sent out with powers which practically put him over Bienville, although the latter was not actually displaced. The coming of this official, however, was merely the result of the anxiety and distress of the Company, and of the blame that had been cast upon Bienville for the failures which had taken place in the colony. This deprivation of his authority lasted but a short while. The vindication of his actions and his superior abilities caused him to be restored to power in May, 1722, and with his instructions came the greatest reward of his labors, the most complete indorsement of his policy, namely, the order to remove the seat of government to New Orleans.

In June, 1722, the headquarters of the colonial government had been established at New Orleans, and the whole province of Louisiana was redivided into nine districts, — Mobile, Biloxi, Alibamous, Natchez, Yazoo, Natchitoches, Arkansas, Illinois, and New Orleans, the capital. It was also necessary to reëstablish ecclesiastical divisions to avoid disputes among rival orders of missionaries. The first division, comprising the valley of the Mississippi from the Gulf to the Ohio and including the territory west of the river, was allotted to the Capuchins, whose superior was to reside in New Orleans. The second division, including the territory north of the Ohio, was given to the Jesuits, whose headquarters were among the Illinois. The third division, lying south of the Ohio and east of the Mississippi, was put at first under the care of the Carmelites, whose superior was to reside at Mobile. The Church of Louisiana was still

under the general supervision of that of Canada, and each of the three heads of orders was a grand vicar of the Bishop of Quebec. As the Carmelites, however, were unable to occupy the territory assigned to them, their field of work was soon given to the Capuchins, and the Jesuits were allowed to establish missions as far south as the Natchez, both east and west of the Mississippi.

The city of New Orleans had now been regularly laid out in rectangular form. In the centre of the town and on the river bank where Jackson Square now stands, was the Place d'Armes, an open square flanked on the upper side by the intendance and council house, and on the lower side by the storehouses and the market. The side nearest the river was left free, but at the back of the square, on the site of the present cathedral and court buildings, were erected a little parish church and, just above it, a house for the Capuchins, the Corps de Garde, and the prisons. The powder magazine was on the upper edge of the town, near the site of the present custom house. Bienville's private *hôtel* was just below this, within the square now bounded by Bienville, Royal, St. Louis, and Chartres streets. The whole town itself lay well within the rectangle bounded to-day by the river and the streets Canal, Rampart, and Esplanade. A low dike, shaded by trees, was thrown up along the river front. A deep drainage ditch was dug behind the city, and near it the first little cemetery was laid out. A sawmill, a rice-mill, and a brickyard on the lower edge of the settlement soon gave evidence of incipient industry; but the gloom, the rank vegetation, and the swarming, crawling life of the vast swamp yet held sway over the place. The season of high water converted the squares into little ditch-girt islands or *islets* as they are still locally called by the French-speaking inhabitants. Yet the town was laid out and even named in full consciousness of future dignity. The Regent, Duke of Orleans, was sponsor, and the streets bore the names of princes of the royal blood,

names that still recall an echo of the grandeur of Louis XIV — Condé, Conti, Du Maine, Toulouse, Chartres, and Bourbon.

The fertile land immediately about the city was soon modestly thriving. The little Bayou Tchoupic, or St. Jean, to give it its newer Christian name, was the avenue of trade by small vessels between the Mississippi and the Gulf settlements. Plantations were laid out on the western bank of the river and below the city, and up the river the thriving truckfarms of Law's Germans offered the most stimulating spectacle and the best object lesson in the colony.

Nevertheless, as time went on and more settlers came into the country, there was no increase of prosperity. On the contrary, the settlement on the Mississippi went through the same cycle of famine and disease as had hampered the colonies on the Gulf coast and the earlier establishments of Canada. The comparative failure of these French colonies seems to have been partly the result of the blunders of the European directors, partly due to the very nature of French civilization at that time. The form of government which the strong will of Louis XIV had fixed and stereotyped upon the national character was too exactly, too rigidly logical to admit of the elasticity demanded by an application to colonial needs; and yet, so firmly was this form impressed upon the nation, that the colonists of Louisiana perpetuated in their settlements the same prying, all-meddling, all-directing governmental supervision and direction which had begun effectually to subdue individual action in France, and which, in a growing colony, could not but prove absolutely fatal to development. In spite of opposite intentions, European custom had grafted an almost feudal system of land tenure upon Louisiana. Most of the land was held in large tracts by aristocrats, many of whom remained in France. The few worthy peasants sent out by the Company, settling upon these lands, fell at once

into the same relation to their landlords as had prevailed in France; but even this slow process of growth was checked by the persistent unloading of worthless and useless men and women upon the young province and the consequent necessity of relying almost entirely upon the labor of negro slaves. The institution of slavery and the possibility it offered of opening large tracts of land to cultivation seemed to many of the more ambitious colonists to offer a solution to the whole problem. Yet the Jesuit Charlevoix, who visited the colony in 1722, predicted at that early day the evil effects which such an institution must inevitably have even upon the class most enriched by it, and he foretold the danger which was to be feared from the growth of such a barbarous and inferior race at the very core of the higher civilization. Moreover, the Company, imitating by instinct the national government, established a system in Louisiana which attempted to supervise and direct all forms of activity and, most unfortunately, to regulate economic difficulties by purely experimental and arbitrary legislation. Not content with restricting trade, discouraging manufactures, and chilling all desire for profitable enterprise, the Company repeated a mistake which had already been unsuccessfully inflicted upon Canada. Paper and card money was issued in payment of the Company's purchases and debts, and attempt was made to control its circulation by edict. The only silver coin circulating freely in the colony was Spanish, and this also the Company attempted to fix at an arbitrary valuation. Depression and discouragement were the immediate results. An English resident of New Orleans at that time has left a manuscript sketch[1] of the condition of the colony, in which he asserts that the voluntary immigration of good and able settlers was almost totally checked, and that many of those already in the colony left for the Carolinas. The Company had adopted, as a means of scaling

[1] Copy in possession of the Louisiana Historical Society.

its debt to individuals in the colony, the expedient of paying its creditors in notes to be redeemed with the card money in so short a time that those holders who lived at a distance were not able to collect on the specified date and so lost their notes altogether. Copper money was sent from France; and the Company did its utmost to force this medium into circulation. The manuscript already referred to states that a pair of shoes then cost thirty livres and a pint of brandy fifty livres, and that the copper coin was so bulky and so much of it was required for the most trivial purchases that it became almost as burdensome as the iron money of Sparta. A great deal of this money returned to France by the vessels that brought it; and when the ships had gone and there was nothing to buy, the soldiers "gambled for hats full of it and then threw it into the river, because they could not do anything with it."

In the contemporary records, one meets with constant complaints, apparently contradictory, of the severity and stultifying control of the government and of the laxity of morals among the people. But one may easily appreciate how authority might be insufficient to restrain the degeneracy or turn to use the worthlessness of such settlers as the Company had sent out, and yet be too severe, too restricting for the better classes. Then, too, if one is to believe the few statistics at hand, the population, in spite of the vast influx during the time of the boom, remained at about the same number. But perhaps in this there is indication of a process at work for the ultimate good of the land. For little by little the transplantings of vice were uprooted or crushed out in America as they would have been in France by the natural running-out of their course, by the same inherent process of degeneracy that had produced them. What remained was somehow transformed in the new world into something different. The good stock, rooted to the soil and growing firmly, absorbed and transformed the baser graft. Many of the officials

had their wives and families with them and kept their blood clear from inferior mixture; the Germans on the Mississippi had German homes; and finally France saw the impossibility of her attempt to find in the degraded and sterile refuse of hospital and prison the maternity of its colony. Thus, in spite of the most incredible blunders, the most utter blindness to actual conditions, in spite of misgovernment, in spite of the bickerings of officials and priests and the petty graspings and jealousies of unpaid governors and intendants, two inexorable forces worked inflexibly for the permanent settlement of the great valley, — one the consciousness of the growing shadow of the greatness of England and the steady creeping line of her western colonies, the other the inherent need of any old nation to colonize.

One of the most unfortunate results of the conflicting theories of inexperienced governors and the presence of many unprincipled men in the settlements was the undoing of the friendly relations with the natives, which had been so carefully sought by Iberville and so admirably maintained by Bienville until his own power, influence, and more experienced judgment had been overridden. The Chickasaws had been entirely lost to the French, and these together with the English emissaries had long been laboring to detach the powerful Natchez tribes. Finally, in 1723, a band of Natchez waylaid and murdered some French travelers. Bienville summoned the chiefs to council and harangued them in the style which he felt would most appeal to them. It appeared that only three villages of the tribe had been concerned in the murders. Bienville therefore marched against these in October with a small force of seven hundred Indians and white men. The result was negative. The villages were found deserted; a few squaws were captured; a few skirmishes occurred in which the Indian allies won what little glory was earned; and the army returned without having dared to hold the whole tribe responsible.

The manuscript of the English resident already quoted states that this "war" was rather laughed at by the colonists, who called it "La Guerre aux Poules," or "the Chicken War," for the only plunder brought back was a quantity of chickens captured by the soldiers.

In the year 1724 an interesting piece of legislation was instituted. As has been seen, the holders of large estates had been unable to cultivate them with the labor of the worthless emigrants sent from France by the Company of the Indies. The size of the plantations and the nature of the crops to be raised, rice, indigo, tobacco, and myrtle-wax, demanded a large number of field-hands. The first importation of African slaves seemed to offer an immediate solution of the difficulty. The Company therefore availed itself of its privilege to import negroes in large numbers, and the planters eagerly bought them, pledging their future crops in payment. These negroes were savages, sometimes of the lowest and most degraded type, sometimes of tribes whose cruelty and fierceness were well known. Moreover, they throve and increased so rapidly in the favorable climate of Louisiana that something of the danger predicted by Father Charlevoix seemed immediately threatening. This danger may be appreciated when the absolute savagery of the slaves is considered, and when one finds the population at this time estimated by La Harpe as 1700 whites to 3300 blacks, in a wilderness far removed from all other civilization and in the midst of great and warlike Indian tribes whose hostility might be expected at any time. The figures given by La Harpe, taken as a total, are apparently incorrect, but they may safely be considered as proportionally showing the alarming growth of the black population. Some special legislation providing for the control of this savage people was therefore imperative, and had this legislation been harsh and based solely upon the superior power and force of the white minority and designed merely to hold the blacks in subjection,

such a course, under the prevailing conditions, might at least be understood; but the usual benevolence of the French towards all the savage nations with which they came in contact wrought a system of laws as full of justice and even kindness toward the slaves as could be made consistent with such an institution as slavery and with the absolute necessity of controlling such a dangerous element and maintaining the natural superiority of the white race. The *Code Noir*, adopted by the officials of Louisiana from the acts drawn up by the lawyers of Louis XIV for the government of the slaves of St. Domingo, is more lenient, more considerate of the merely human rights of the subject and defenseless alien, than would have been the laws of any Teutonic nation under similar conditions. The harshest, the most severe penalties were provided and inflicted in case of any act on the part of slaves which tended to endanger the absolute supremacy of the white race; but within these limits the black slave was as fully protected from the tyranny, neglect, oppression, or cruelty of his master as was the involuntarily bound servant or even the hired domestic of early Massachusetts. So general has been the misconception of the intent of the Black Code, and so important is it to any understanding of the slavery question, lying as it does at the base of all the legislation of the Spaniards and Americans in this province, that its main provisions may well be outlined here.

Curiously enough, the first article somewhat irrelevantly ordered the expulsion of Jews from the colony. Articles 2, 3, 4, and 5 prescribed religious instruction in the Roman Catholic faith, ordered that Sundays and all holidays be given to the slaves under pain of confiscation, and made the masters responsible for their moral instruction. The Code also interposed whatever barriers might be raised by legislation against the mingling of the two races. All marriages of whites with blacks, whether slave or free, and concubinage with slaves, were

forbidden under penalty of heavy fines, and, in the breach of the latter clause, both the woman and her child, if there should be one, were to be taken from the master. Masters were absolutely forbidden to force marriages between slaves. The children of slaves were to belong to the master of the woman. If the father should be a slave and the mother a free woman of color, the children were to follow the condition of the mother and be free. In the reverse case, the children would also follow the condition of the mother and be the slaves of her owner. All slaves who had become converted to Christianity were to be buried in consecrated ground. Slaves were forbidden to carry weapons, under penalty of whipping, save when allowed to go hunting with the written permit of their master. Slaves of different masters were forbidden to assemble in crowds, under penalty of whipping, and masters who permitted such assemblages were made subject to a fine which doubled at each repetition of the offense. So important to the safety of the colony was this provision considered, that the heaviest penalties were imposed for the frequent breach of this law. Branding with the *fleur de lis* and, "if there should be aggravating circumstances, capital punishment might be inflicted at the discretion of the judges." Slaves were prohibited from selling any commodity without the written permission of the owner, and any person purchasing in violation of this law would be subject to a fine of 1500 livres. Four articles of the Code are given to detailed provision for the feeding and clothing of slaves, and slaves not properly fed or clothed were ordered to report to the Attorney-General of the Superior Council, or to the officers of their territory, who should conduct a prosecution free of cost to the complainant. The Code expressly ordered that slaves who should become disabled by age or disease, or for any cause, must be cared for and supported by their masters. "In case they should have been abandoned by said

masters, said slaves shall be adjudged to the nearest hospital, to which said masters shall be obliged to pay 8 cents a day for the food and maintenance of each one of these slaves; and for the payment of this sum said hospital shall have a lien on the plantation of said master." Slaves might not acquire any property, real or personal, and were to be held incapable of all public functions; nor was their testimony to be admitted either in civil or criminal cases, except when there were no white witnesses, and under no circumstances might they serve as witnesses either for or against their own masters. They could not be party to either civil or criminal cases, but their masters were compelled to appear for them, and were to be held legally responsible for any act done by their slaves under their orders. Slaves brought up for trial might appeal to the Superior Council, and were to have the same rights as free persons, with the following exceptions: a slave who had struck his master or mistress, or their children, so as to make a bruise or draw blood, was to suffer capital punishment, and all acts of violence on the part of slaves against free persons were to be punished with great severity and even with death if the judges should so decide. Theft of horses, cows, or especially valuable property by slaves might, in some cases, be punished by death,[1] and the masters of the thieves were compelled to make good the loss and to surrender the slaves for punishment. A runaway slave who should continue so for one month should have his ears cut off and be branded on the shoulder with the *fleur de lis;* at the second offense, if he remained away a month, he should be hamstrung and branded on the

[1] Lest this law should appear unduly harsh, it is well to remember the scarcity and great value of cattle and stock at this time. The laws applying to freeborn whites under this head were equally severe. No man was permitted to kill his own female stock even for food without permission from the authorities; and the wanton killing or maiming of a horned animal by *any one* not its owner was punishable by death.

other shoulder; and at the third offense he should be put to death. Judges of the inferior courts might inflict branding and whipping without appeal to the Superior Council, but in cases involving hamstringing or death the appeal to the higher court was granted. Masters were forbidden on their own authority to apply the rack to their slaves or to mutilate them in any way under penalty of confiscation. They might, however, whip refractory negroes with rods or ropes. Officers of justice were forbidden to receive any fees in the prosecution of criminal cases against slaves. Slaves who were husband and wife might not be seized or sold separately when belonging to the same master, nor might children under fourteen years of age be taken from their parents, all such sales and seizures being null and void. In case of violation of these articles, the seller would be compelled to surrender the slave whom he had retained to the purchaser of the other. Masters over twenty-five years of age might manumit slaves, either by testamentary act, or by disposition while alive. "But," says the Code, "as there may be mercenary masters disposed to set a price on the liberation of their slaves, and whereas slaves, with a view to acquire the means necessary to the purchase of their freedom, may be tempted to commit theft or deeds of plunder, no person, whatever may be his rank or condition, shall be permitted to set free his slaves without obtaining from the Superior Council a decree of permission to that effect, which permission shall be granted without costs, when the motives for the setting free of said slaves, as specified in the petition of the master, shall appear legitimate to the tribunal." Slaves so freed should have all the privileges of free whites save that of receiving donations either by testamentary disposition or by acts *inter vivos* from whites. In the words of the closing article of the Code, "we grant to manumitted slaves the same rights, privileges, and immunities which are enjoyed by freeborn persons.

It is our pleasure that their merit in having acquired their freedom shall produce in their favor, not only with regard to their persons but also with regard to their property, the same effects which our other subjects derive from the happy circumstance of having been born free." The Code was signed during March, 1724, in the name of the king, by Bienville, De la Chaise, Fazende, Bruslé, and Perrier.

The adoption of this Code was the last important act of Bienville under the administration of the Company of the Indies. The complete failure of the colony to pay the investors of the Company's stock and the unceasing complaints and bickerings of the colonial officials had been persistently charged against Bienville. A stronger and more united opposition now brought about a long needed investigation of the public accounts. These were found to be in such confusion that no one could possibly understand them. The responsibility for the confusion was laid upon the governor, and he was summoned early in the year 1724 to appear in Europe and give an explanation. Boisbriant was ordered down from the Illinois to act in his stead until a new governor could be chosen in Europe, and the engineer La Tour performed the duties of the office while Boisbriant was on his way. Bienville was thus at once removed from all authority, and every kinsman and partisan of his was likewise dismissed from office. For the first time since the colony had been founded, not a single member of the Le Moyne family had any share in the direction of the affairs of the province which they had practically created. Still, it was several months before Bienville was relieved of his humiliating position by the arrival of the Sieur Perrier, the new governor. De la Chaise was made Intendant and president of the Superior Council.

It is not known what effect was produced by the memorial which Bienville so carefully prepared for the European directors, or what impression was made by

the strong defense which La Harpe had written and sent at the same time, if indeed it were presented at all. We know only that the single result was the sharp censure of the chief instigators of the cabal against him; yet he remained in France, and his policy was reversed by the new colonial administration.

Perrier assumed authority in the year 1725. The first years of his government passed peacefully. The one event of great importance to the colony was the arrival of the Ursuline nuns, supplying, as it did, perhaps the greatest need of the growing establishment. In September, 1726, the Company of the Indies made a contract with these Sisters whereby they were to furnish six nuns to serve in the hospital, to teach the girls, both white and colored, and to serve as the means of transporting girls of good character and useful training to supply the yet unfulfilled need of suitable wives for the bachelor officers and for the farmers and artisans of the better sort. The degraded women first sent out had been often as unwilling as they had been unfit for marriage and domesticity, and even the policy of discharging the rank and file of the soldiery and tempting them to marriage with these women by offers of land and exemption from taxation had failed to clear the problem. The woods were full of the younger and more adventurous men, unsettled, dangerous, and demoralizing in their influence; and we find the Jesuits[1] encouraging and even urging, as a substitute of a lesser for a greater evil, the legalized marriage of such men with Indian women. Thus the colony was lacking in women worthy to be the wives of such settlers as had now begun to drift into the province, or to become the mothers of the race that would make the colony all that its creators designed it to be.

In February, 1727, the Ursulines sailed from France. They were Normans of Rouen, of the town that had given La Salle to Louisiana, and of the race that had

[1] See the *Lettres Edifiantes et Curieuses des Jésuites.*

laid the foundations of its homes. One of the Sisters bore the name of Cavelier, and one other, at least, was proudly conscious of the poetic justice of the destiny that the women of Normandy should consecrate the labor to which her men had dedicated their lives. In all the early records, no name has more charm, more intimate and lovable associations, than that of one of these Sisters, Madeleine Hachard, and the full record of the journey which her facile pen has left offers a piquant and fascinatingly fresh and living narrative which one regrets not to insert in full.

The nuns were given a grant of eight arpents front on the river at the lower edge of the town, together with a house and eight negroes to till their land. The house was delayed in the building, however, and they were temporarily installed in the *hôtel* which Bienville had built for himself almost upon the site of the present custom house. While waiting for their house, the Sisters fell diligently to work. Some thirty pupils and girl lodgers had applied at once, and a wooden building was immediately put up near their temporary quarters to serve as a schoohouse.[1]

While the work went on with eager zeal, Madeleine found time to describe the city and give some idea of the life of the people. The picture she gives is brighter than that of the official records. In the dress of the people, Madeleine found "as much magnificence and refinement as in France. . . . I do not, however, speak of the manners of the laity, as I know nothing of them and have no desire to know them, but I am told that their habits are corrupt and scandalous. There are, however,

[1] There is a tradition that they left Bienville's house and occupied other quarters in the neighborhood of Nun and Religious streets and that they were not installed in their own quarters until 1734 by Bienville himself on his return. Their house still standing in Charters Street was used by the legislature in 1831, and is now the official residence of the Archbishop, for in 1824 the Ursulines removed to their present convent below the old city.

great number of honest people, and one does not see any of those girls who were said to have been deported on compulsion. . . . The city itself is very handsome and regularly built. The houses are well constructed of wood, plastered, whitewashed, wainscoted, and open to the light. The roofs of the house are covered with shingles which are cut in the shape of slates, and one must know this to believe it, for they have all the appearance and beauty of slate. Suffice to say, they sing here a song in the streets to the effect that this town is as fine a sight as Paris." The religious services at the convent were conducted with great ceremony, not only to offer as sharp a contrast as possible to the former absence of such things, but also to draw the attention of the somewhat volatile population to the beauty of religion. Thus the Sisters gathered their motley flock. The authorities themselves assisted in the novel crusade against vice, and those unfortunate sinners who had not been quick to turn and drift with the new tide of virtue fared badly. Girls of bad conduct were "severely punished by putting them upon wooden horses and having them whipped by the regiment of soldiers that guards the town." A house for the detention and reformation of such women was built and intrusted to the Sisters. Negro and Indian women were given "instruction" regularly for two hours each day. Madeleine was horrified at the ignorance of matters spiritual which their investigations revealed among even the white girls. They were often married, she says, at the age of twelve or fourteen, some of them "not even knowing how many gods there are — and you can imagine the rest."

In the year following the arrival of the Ursulines, the first of the *filles à la cassette* were sent out to their care. Unlike the girls that had hitherto been shipped to the colony by the Company, with no other quality than that of sex, the present had been carefully chosen in France for character and skill in housewifery, and came as voluntary

emigrants. Each girl was dowered with a chest of clothing. They came, of course, with the understanding that their vocation in the province was to be wifehood and motherhood, but the actual choice of husbands was to be voluntary and only from among such suitors as were approved by the Sisters, in whose convent the girls were to remain till married.

But now the peace of the colony was suddenly broken, and its very existence threatened by the first very alarming outbreak they had yet been called upon to face. Father Le Petit tells graphically, in the twenty-second collection of the "Lettres Edifiantes et Curieuses," how on the 2d of December, 1729, a half-famished, ragged refugee came in from the Natchez, and threw New Orleans into consternation by announcing that the whole powerful tribe had risen and massacred all the French at Fort Rosalie and in the adjacent country. The man who brought the news had been in the woods when the massacre took place, and had stealthily made his way southward, suffering frightfully from hunger and exposure. When he reached the Yazoo country, he had been forced by actual starvation to join a party of Yazoos whose temper he mistrusted, but who proved to be friendly, and gave him a canoe to ease the remainder of his journey to New Orleans.

Soon other fugitives came in and confirmed the terrible tidings. The details of the massacre increased the panic and horror. It had taken place in October. It appeared that the tyranny of Chépart, the French commandant of Fort Rosalie, had driven the Natchez to the conclusion that the French were plotting their extermination. Chépart's final order that they should give up their village called White Apple roused them to determined resistance. The several villages united in council, and agreed upon a day and hour when all the French in that part of the country should be attacked simultaneously. Each deputation on leaving the council bore away an

equal number of sticks. Every day one of these was to be burned. The attack was to be made on the day when the last stick was consumed. On that day Indians appeared in every cabin of the white men, upon some pretext or other, this one to trade, that one to borrow a gun. Into the fort they swarmed, pretending to be going on a hunting expedition, and borrowing guns and powder. At the given signal each savage fell upon his selected victim, and the massacre began. Commander Chépart was one of the first killed, and his head was brought to the Chief Sun, who sat and smoked in the government warehouse, while his followers busily slaughtered the surprised and defenseless whites. As the massacre went on, the heads were brought to the Chief Sun, and placed before him on the floor of the warehouse in a grim circle about the head of Chépart. Over two hundred whites were killed, and over a hundred women and children taken prisoners, with all the negro slaves. Only two white men were spared, one a tailor and the other a carpenter. Two soldiers of the fort, who happened to be in the woods when the massacre began, escaped and finally reached New Orleans. The capital was shaken with grief and panic when the full horror of the attack was learned. The city itself was believed to be in danger, for it was rumored that the Natchez uprising was but the first act of a general Indian war, that all the settlements were to be attacked, and that some of the African slaves were in conspiracy with the native savages to annihilate the white race. Hasty preparations for defense were made. A moat was dug about the city, and guards established at the four corners. Word was sent to France for help. Two vessels remained anchored in the river opposite the town as a refuge for the women and children in case of attack. Couriers were sent out into the country to warn outlying settlements, and scouts went in canoes up the river to warn travelers that the Natchez were on the warpath. Perrier decided to remain

in New Orleans for its defense, and to send Loubois with what troops and Indian allies he might yet command to chastise the Natchez and rescue what prisoners might still remain alive among them. The number of French troops was small and inefficient, but fortunately the powerful tribe of Choctaws remained faithful, and sent at once a force of seven hundred warriors who, under the Canadian Le Sueur, surprised the triumphant Natchez while still feasting and carousing over their success, killed sixty of them, and rescued fifty-nine white women and children and one hundred of the captured negro slaves. It was February, 1730, before the white troops from New Orleans arrived and laid regular siege to the White Apple village. It was splendidly defended. The only successes were won by the Indian allies. But the siege was closely maintained until the Natchez agreed to surrender all their prisoners if the French would withdraw. This was but a negative success; but as there seemed to be small prospect of any other, Loubois consented to the terms, and received the prisoners. The whole army of the Natchez, however, took advantage of the truce to escape, some taking refuge among the Chickasaws and others crossing the Mississippi and fortifying themselves in what is now Catahoula Parish, on a mound between the junction of Little River with the Ouachita. They were followed by the French, and driven back to Lake Lovelace, where they made a stand for nine months before they could be finally dislodged. Troops had arrived from France in the summer of 1730, and these to the number of eight hundred had been hurried to the seat of war. The last stand of the remnant of the Natchez was as heroic as all their former battles had been. The final victory, such as it was, was won by Perrier only through treachery. Some of the Natchez chiefs were decoyed into a trap, captured, and held as hostages. Perrier offered to spare their lives if the nation surrendered, promising life to every Indian who should give himself up. Forty-five

warriors and four hundred women and children finally came into the French camp, but the bulk of the fighters successfully eluded Périer, and fled westward, savagely attacking St. Denis at the Natchitoches. Repulsed by him, the remnant of the nation finally took refuge among the Chickasaws. The prisoners taken by the French were sold to slavery in St. Domingo, except a few who were executed as examples or tortured by the Indian allies. One Natchez woman was publicly burned to death at New Orleans, by a party of Punicas with the consent of the French.

The victory of the whites was only partial, however. The flight of the main fighting force of the Natchez to the Chickasaws and their welcome there could only mean war with that powerful nation. The crisis was felt to be so great that the Company of the Indies realized that they could no longer hope to cope with the situation or to make Louisiana a paying investment. In June, 1731, they petitioned the king to release them from their charter. By November, 1731, the transfer had been completed, and two delegates were sent out to examine the affairs of the Company with a view to liquidation. Several foolish and unjust measures were resorted to. Creditors were ordered to present their claims to the agents in Louisiana only. Then, on November 15th, 1731, Perrier was ordered to issue a decree to the effect that the *billets* with which the debts of the Company had been paid would be withdrawn within fifteen days, that after that time they would be null and void, and that any person thereafter convicted of dealing in these notes would be fined for the first offense and subjected to corporal punishment for a repetition. This decree caused an immediate depreciation in the value of the notes, and their subsequent withdrawal left a vacuum in the currency of the colony which, combined with the general disaster of the times, brought the commercial life and prosperity of Louisiana again to the verge of ruin.

In the gloom of these evil days the hope of the colonists turned to Bienville. The absence of his strong hand and influence over the savages had been disastrously felt. His courage, energy, self-reliance, and ability were needed to sustain the weakness of the establishment. The king, therefore, appointed him first royal governor and sent him once again to Louisiana in the hope that his prestige might restore some degree of order and confidence, and that his skill and wide knowledge of the Indians, together with the respect in which he was held by them, might perhaps enable him to quell the rising spirit of hostility among them which threatened the complete overthrow of the French power.

CHAPTER IV

LOUISIANA A ROYAL PROVINCE — CESSION TO SPAIN

On his way out to the colony, Bienville stopped at St. Domingo, and there saw some of his old friends, the Natchez chiefs, in slavery. They had known him in the days of their pride, and had venerated him as the greatest of the white chiefs. With sadness they told him how they regretted the old time of friendship and confidence, and protested that nothing but the unbearable tyranny of his ignorant successors would have driven them to such an act as the massacre at Fort Rosalie.

There was much truth in the words of the enslaved warriors. Bienville found a changed condition of affairs. The trade with the natives had been allowed to so degenerate that the more enterprising English had won most of the savage allies by making themselves and their goods indispensable, though the Indians who had once been under French influence always protested that they would cease to encourage the English traders if only the French would offer them the same advantages and goods at the same cheap price. The grasping policy of the Company of the Indies, however, had never supplied its agents with the necessary means of combating this rival influence, more dangerous than the power of many armies. Bienville saw with regret that the time for conciliatory measures had passed, and that if the French wished to retain the prestige required for their own preservation, he must endeavor to crush the remaining Natchez and make war upon the Chickasaws if they continued to harbor the fugitives.

But the attack which he planned with such care against the Chickasaw villages on the Tombigbee ended in disaster. D'Artagnette and his coöperative force from the Illinois were surprised and all save two were either killed in fight or burned at the stake afterwards. Then Bienville's Choctaw allies precipitated a conflict before the commander was ready, and his attack was disastrously repulsed.

Bienville never recovered from the grief and humiliation of this defeat. He was made to feel, even in the colony, that his influence had been forever lost, and the enemies who were ever ready to oppose and thwart him found material for blame in his conduct of the expedition. Even his old stanch friend, Diron D'Artagnette, laid the blame of his brother's tragic death at Bienville's door and became henceforth his bitter enemy. In the face of opposition and discouragement, however, Bienville determined to retrieve the mistakes of the last campaign and set lustily to work to prepare another. He sent to France for artillery and troops, to Canada for the Indian fighters in whom he always placed his faith; he dispatched *coureurs de bois* over the country to rouse the sentiment of the Indian allies, and ordered a party of engineers to explore the country and select a better route by which to attack the Chickasaws. But when all was ready and the troops sent from France at last arrived, the command was taken from him and given to the Sieur de Noailles.

This expedition, too, which went in 1739 against the Chickasaws by way of the Yazoo valley, was a failure. The army did not even reach the Indian villages or come to close quarters with the enemy. Even in the skirmishes that obstructed the line of march, the French came off badly, and were glad to make peace and return without even the glory of defeat.

As much of the blame for the result of this campaign fell upon Bienville as upon De Noailles. Utterly discouraged and hopeless, he wrote to the Minister of Ma-

rine begging to be finally recalled. While waiting for this order and for the coming of his successor, he devoted his last acts to the welfare of his people. He convened the Alabama chiefs at Mobile and bound them to peace, and tried heartily, though vainly, to induce the national government to establish a college for boys at New Orleans and to cease the disastrous experiments in monetary legislation which periodically blasted the struggling trade of the colony. But his failure in even these wise recommendations served only to complete the bitterness which saddened his last days in the land for which he had given the hard labor of forty-five years and in which he had buried his youth, his hope, and his ambition for a future to which the changed present bore no resemblance. It was with a feeling of relief that he handed over the authority to the Marquis de Vaudreuil on the 10th of May, 1743, and left Louisiana forever.

The marquis was a true royal governor in every sense of the word, yet his miniature reign was but an episode in his career among the larger events which threw the affairs of his isolated province into the background of insignificance. And this was probably his own view of his authority and his province. Europe was just entering upon another of the great series of international wars, that of the Austrian Succession; but though England was drawn into the conflict against France in 1744, the American colonies took but small part in the quarrel beyond the capture of Louisburg by the English colonists and the usual fomenting of Indian warfare on both sides. De Vaudreuil's province was not directly affected by the war, and the governor was left free to rule as he chose until the needs of the final struggle in the north called him to a wider sphere of activity. He was a nobleman of genial nature and impulsive temperament. He at once established himself in official style that made the government house a miniature court. The formal ceremony, military display, lavish entertainment, and mag-

nificence with which he surrounded himself produced at first a stimulating impression upon the spectacle-loving people. His charm and distinction of manner, the martial courtliness of his bearing, his generosity, his personal grace and assumption of the dignity of authority seemed to cast upon the long-neglected province a direct reflection of the glories of Versailles. The fact that such a man had accepted such a distant and apparently unimportant office led people to believe that at last the king had turned the smiles of his favor upon Louisiana. Unfortunately the people had little else by which to remember the marquis, the Grand Marquis, as they called him, than this flash of transient splendor and the long-continued tradition of the balls and dinners he gave at the government house. In the first belief, however, that the government now intended to give its patronage to Louisiana, trade received a stimulus, especially as the effects of the release from the heavy restrictions of the Company of the Indies now began to be felt. Agriculture was aided by the immigration of planters from St. Domingo, a measure formerly urged by Bienville. There were about this time, according to the account of the English resident already quoted, six or seven sawmills near New Orleans giving fifty thousand boards a year and ten or twelve plantations producing some fifteen thousand pounds of indigo. The indigo crop was never successful in Louisiana, but planters were tempted to experiment with it, not only for the profits of the trade but also because its cultivation occupied only six months out of the year and the slaves could be otherwise employed for the remainder of the time, usually in making rails and shingles, for which there was a steady demand. Besides cotton, the colony exported in a year five hundred pounds of pitch and tar; two hundred thousand pounds of tobacco in the leaf and three thousand in "carrots;" about twenty thousand pounds of salt; and some seventy thousand pounds of furs, chiefly from the upper Mississippi

district. The Jesuits from Hispaniola had begun to raise successful crops of sugar-cane above the city, though rice, tobacco, and lumber continued to be the leading exports until Etienne de Boré was successful in granulating the cane-juice. The wax of the myrtle-berry was still an important article of trade, and the Jesuit fathers had a flourishing and beautiful plantation of the trees.

De Vaudreuil attempted to infuse something of military discipline in the civil government, and interesting ordinances date from his time relative to the control of wine shops and saloons, the morals of the city of New Orleans, and the management of slaves. One ordinance in this connection is especially interesting in view of the prevalent belief that licentious relations not only existed but were tolerated between masters and their slaves, to wit: "Any Frenchman so infamous as to harbor a black slave for the purpose of inducing him or her to lead a scandalous life, shall be whipped by the public executioner, and without mercy sentenced to the public galleys for life." To De Vaudreuil, also, we owe the first levee-ordinance, compelling inhabitants to keep up the levees before their property under pain of confiscation. The government also encouraged colonization and agriculture by material assistance to the small proprietors of new grants; and the concessions were wisely made no larger than the owner could profitably manage, usually forty arpents deep by eight or ten in front, and the grants were revoked in case the proprietor failed to tenant or improve the land. The colony was protected by an increased military force, and provision was made for the annual discharge of a specified number of soldiers to whom grants of land and supplies were made upon condition that they established farms and homes.

Nevertheless, in spite of all these measures, the augury was better than the fulfillment. By a census taken in 1744, the total white population of the whole vast province was estimated at 3200 and the black at 2030.

The number of troops during De Vaudreuil's régime was increased from 800 to 2000. All the so-called statistics of this period are unsatisfactory and conflicting. The present census shows an unaccounted-for decrease in the white population since the Company of the Indies restored the province to the king in 1731, when the number was estimated at 5000. But the prosperity of the colony was, for the time being, greater. In the city of New Orleans there were twenty-five men whose property ranged in value from 100,000 to 300,000 livres; and had the government not persisted in its attempts to shirk its debts and to foist a worthless paper currency upon the people, the impulse of trade would have carried the establishment to prosperity. The chief source of weakness, however, was in the government itself. The reports and documents from which the historical student is compelled to reconstruct the condition of the times are chiefly a monotonous repetition of the petty quarrels of officials, contradictory and garbled accounts of petty happenings, and the meanest acts of mutual retaliation and interference. De Vaudreuil constantly complains that the Intendant kept the public stores for his own use and refused to surrender any for the bounties which the Indians claimed as the price of their loyalty. The Intendant, on the other hand, especially the last one during De Vaudreuil's rule, Michel de la Rouvillière, states emphatically that the governor, in his attempts to rule *en grand seigneur*, had given the military such precedence over the civilians that soldiers might and did insult and bully the citizens with impunity; that he had surrounded himself with a petty court of flatterers and dependents who held his favor and prevented justice from being done; that these favorites were granted all the monopolies and privileges; that the Superior Council was merely the legal instrument of the governor's illegal acts; that he kept up an expensive private establishment and in order to support it claimed a share in

all public enterprises and exacted tribute from private industries and from the agents who managed the government's trade with the natives, as well as from the commanders of military posts under his appointment; that the governor sold for his own profit the flour sent out for the soldiers, substituted corn in its place, and pocketed the difference in price; and finally that the governor's wife, a haughty, avaricious woman, used her influence to procure the profit of many enterprises in which she was interested, sold offices and bought officials, and held a lucrative monopoly of the trade in drugs and other merchandise. From such a mass of scandal it is impossible to extract the truth, except that there were more rascals than honest men concerned in the maintenance of the French colonial interests in the Mississippi Valley.

In 1753, when the growth of both French and English colonies at the north made the final conflict appear inevitable, the marquis was ordered to assume the governorship of Canada, where his martial ability was more needed, and M. de Kerlérec was sent out to Louisiana in his place.

The new governor was a naval officer who had seen twenty-five years of service. He was bluff, abrupt, and accustomed to command, a martinet in discipline, rigidly honest, so far as appears, in spite of the usual charges brought against him and his final disgrace. He was not the man, however, to meet the critical issues of the troublous times about to begin. His first dispatches are full of complaints that the cabal which had worked against Bienville and De Vaudreuil had concentrated the increased strength of its opposition upon himself and that in making his appointments he had continually to face the same disgusting insinuations that had been aimed at De Vaudreuil. The Indians, too, had become unquiet. The former governor had been able to do nothing further than play the savage tribes off against each other and so

prevent them from uniting against him, and now the presence of an increased number of English in the Ohio valley and even in the present states of Alabama and Mississippi had detached many of the allies and even affected the friendly Choctaws. Kerlérec called a conference of the chiefs and reproached them with their disloyalty, urging them to send away the English traders. They replied frankly that they preferred the French, but that the English offered them better and cheaper goods and so would have their trade. The governor made a full report of this conference to the government in France and urged, as Bienville had always done, that more money must be devoted to competing with the English for the favor of the natives. He saw clearly that the shadow of war hung over the colony and felt that, unless the alliances with the Indians were strengthened and efficient troops sent to the Mississippi, no earthly power would stay the progress of the English that was slowly and steadily eating away the French possessions, as it were, inch by inch. The greater part of the military force, also, had been withdrawn with De Vaudreuil, and the few troops were utterly incompetent to hold the colony against invasion. Kerlérec protested vehemently against the abandonment of the colony in the face of the increasing danger. In reading his dispatches one is forced to the conclusion that France sent to Louisiana only such worthless troops as she was eager to be rid of. Bienville, Perrier, and now Kerlérec complained that the wretched soldiery could never be got to face an enemy or else fled at the first fire. Kerlérec even begged that Swiss troops be sent to him in place of the French, not only on account of their superior discipline and fighting qualities, but because the colonists had as great a dread of the violence, cruelty, and debauchery of the troops ordinarily sent out from France as they had of the savages. The governor got nothing for his pains, however, beyond the ill-will of those in power, and he was compelled to pro-

tect his capital with only such defensive means as lay in his reach. A palisade was run about the city, the battery at English Turn down the river was strengthened, and a vessel was moored near the head of the passes to be sunk in the channel in case an enemy should attempt an attack from the Gulf of Mexico.

But France was in no position to bestow attention upon the distant province. The long series of international wars had settled none of the questions that had brought them about. Territorial boundaries in Europe, as well as in the colonies, were still uncertain, and the balance of power, though often shifted, had not yet been adjusted to a state of even temporary equilibrium. On the continent, the growth of Prussia under Frederick the Great made inevitable the final conflict that was to leave the new power free to weld the German race into a natural empire. In North America the growth of the colonies of France and England had made the subjection of one necessary to the existence of the other, and in India also the same nations were brought to conflict by the opposing interests of their commerce.

So far as France and England were concerned, the new war was to be colonial, though France, as a nation, seems not to have realized this until too late. In spite of her half-hearted interest, and in spite of the many mistakes of short-sighted officials, her pioneers had won for her the greater part of the North American continent, and the whole vast semicircle was bound together by a chain of forts, and held in communication by a hardy race of woodsmen and friendly savages. It had been the plan of La Salle, of Iberville, and Bienville, to weld this vast territory into a compact mass, and confine the English colonies to the seaboard. Forts at Louisburg, Niagara, Frontenac, and Duquesne protected Canada, and threatened the northern Atlantic settlements. New Orleans blocked the way up the Mississippi. Mobile gave France the vantage of the Gulf of

Mexico. The one gap in the chain was the valley of the Ohio, and into this vacuum the pressure of growth of the English colonies of Pennsylvania and Virginia was forced. Settlements had been made there, trading-posts established, the Indians won from the French, and the territory as vehemently claimed by right of actual possession as the French claimed it by right of discovery and exploration. Thus when Céloron de Bienville made his progress through the Ohio territory, in a vain attempt to induce the Indians to drive out the English, he realized that nothing but superior force could make good, against the firm hold of the newcomers, the claim which France based upon the brilliant enterprise of her early explorers but had never substantiated by possession and colonization.

As usual the French were quicker in action than their enemies, and when Washington, in 1754, before war had been formally declared, marched into the Ohio country at the head of Virginia troops, he was met by a superior force and compelled to surrender. De Vaudreuil, moreover, with great skill so placed his inadequate forces along the whole vast extent of the frontier as not only to hold back the English on the eastern side of the Alleghany range, but to force them to attack separately his widely divided posts, and so weaken their strength. French victories followed in rapid succession. Braddock's force was crushed in its attempt against Fort Duquesne at the head of the disputed valley, the fiery Montcalm took Fort William Henry, and the first years of the war found the French victorious everywhere, — Crown Point and Ticonderoga in New York in their possession, and their power apparently established from Nova Scotia to New Orleans.

The French colonies in America, however, were conscious of an internal weakness which the brilliant success of leaders such as Montcalm had concealed from all but the shrewdest of their enemies. Even Louisiana,

distant as she was from the seat of actual war, lay in the horror of its huge shadow, and found herself deserted by the mother country; for France had been drawn into the European coalition against the growing power of Frederick of Prussia, had cast her fortunes, because of a whim of the Pompadour and against all her interests, on the side of her ancient enemy Austria; and though the English and Prussians had met great reverses, still the great genius of Frederick, his splendid armies, and the wealth which England poured out for his assistance augured that the struggle was but the beginning of a war for which France would be compelled to drain her resources as never before in her history. The one fatal mistake was made in concentrating all of her greatest strength upon the war against Prussia, thus leaving England free to wrest from her both India and North America. Louisiana, the most obscure and the most neglected of her colonies, was altogether abandoned, and its inhabitants, though spared the horrors of actual war, had nevertheless to bear the almost equally heavy burden of standing idle and forsaken while they watched the structure for which many among them had given the best years of their lives fall away piece by piece for sheer neglect. The few soldiers left in the place were of the most worthless sort, and seem to have been equally feared and hated.

Kerlérec's arbitrary treatment of influential colonists increased the opposition against him. Fatality turned one of his own hasty acts against himself and gave his enemies in France the power which finally threw him in the Bastile. It will be remembered that Jews had been forbidden the colony by the first code of laws. Now about this time a certain Diaz Anna, a Spanish Jew, had come to New Orleans with a shipload of goods for trade. The Intendant, Rochemore, seized the vessel and confiscated her cargo. Kerlérec sent soldiers to the vessel and had her restored to her owner. He then arrested Belot, Marigny

de Mandeville, Lahoupe, Bossu, and others of Rochemore's friends on the ground that they were in league to assume illegal authority, and sent them to Europe with documents which he fancied would convict them. The vessel, however, was driven by a storm to the coast of Spain, and in some way the prisoners got possession of the papers which contained Kerlérec's evidence against them. Moreover, they succeeded in arousing sympathy for themselves for the harsh treatment to which they had been subjected, and formed in France an active centre of infection for spreading distrust of the governor in the minds of the national officials.

While Kerlérec was busy with his quarrels with Rochemore, harassed by the violent bickerings of the Jesuits and Capuchins, and driven to his wits' end to supply the long-neglected tribute to the disaffected Indian allies, the colony was thrown into deeper discouragement by the arrival of the remnant of the garrison of Fort Duquesne with news of the defeat of the French armies and the increasing success of the English.

Indeed a new force had made itself felt in the war; a new power had taken direction of the affairs of England, had seen that the real contest was to be in America, and had at last roused the colonies to an active sense of their own strength. William Pitt, trained, as he was, alike in diplomatic and military affairs, was the man most capable of guiding England and her American possessions through the crisis. He listened closely to the appeal of Franklin: "There is no hope of repose for our thirteen colonies as long as the French are masters of Canada." He not only answered this appeal by sending his best generals and best troops, but did the future nation a far greater service by calling upon them to take their full part in the war and the gains of the hoped-for victory. For the first time the hitherto discordant and disunited colonies felt a sense of their own power and kindred interests in repelling their common enemy. They raised an army of 20,000 men,

who did splendid service. They taxed themselves for the support of this army. The French colonials, on the other hand, hopelessly outnumbered and abandoned by France, could not check the new power that was hurled against them. Disputing desperately every inch of ground under the brilliant leadership of Montcalm, they were none the less forced to yield post after post — Louisburg, Duquesne, Fort Frontenac, Fort Niagara, Crown Point, and Ticonderoga — till at last Montcalm fell with Quebec, and De Vaudreuil surrendered at Montreal. The war, still raging in Europe, was now (1760) ended in America. Canada was in the hands of the English, the officers had been sent back to France, and the armies had been cut to pieces.

Louisiana had not been taken, but France felt that she could no longer hold this isolated strip of territory. The colony itself was now in a wretched condition and practically at the mercy of any enemy. In October, 1761, the French ambassador at the court of Madrid offered a memorial confessing that France could no longer support Louisiana, and begging the assistance of Spain to supply its necessary wants and prevent it from falling into the hands of the English, against whom it stood, so asserted the memorial, as a bulwark for the Spanish colonies of the west. Kerlérec had long been at his wits' end to provide provisions for the clamoring and discontented natives or even for his own men. He had accused the Intendant, Rochemore, of withholding supplies, and the breach between the two officials was widened. The hope of Spanish aid and the knowledge that Spain held the question under advisement led him to promise the Indians the renewal of former bounties. But no help came from Spain, and the perplexity of the harassed governor and the discontent of the unhappy colony grew daily greater.

But France, still involved in the disastrous war in Europe, was unable to help or even offer any hope to Louisiana. Not only was the government compelled to

meet ever-increasing losses and drains upon its diminishing resources, but had to face and satisfy, in some sort, the popular indignation, which was now fully aroused, in a demand for the punishment of those who were responsible for the misconduct of the war and bent upon throwing off all burdens that interfered with self-preservation. The colonial armies and officials returned to a France that was in the wrath of despair. More than a dozen of the most prominent officials of the Canadian government, among them De Vaudreuil, were indicted for the general corruption whose evil results were now realized for the first time, and were thrown into the Bastile, less, perhaps, because of any aroused sense of justice than because of the need of the government to provide scapegoats to satisfy the discontent of the people. Small satisfaction, however, was gained by the conviction and heavy punishment of most of these men, for the inevitable fact remained that the hopes of the nation as a great colonial power were forever at an end. The Duc de Choiseul, now at the head of French affairs, busied himself to secure peace with England, the detachment of Frederick's allies, and the assistance of Spain in the event that his other efforts should fail. Ferdinand VI had died in 1759, and Carlos III was now king. Being of the Bourbon blood, he was induced in 1761 to contract a family alliance by which the Bourbons of France and Spain pledged mutual assistance, especially against England. When, therefore, the efforts of Choiseul failed to secure peace in spite of the favor of the new king, George III, and in spite of the retirement of Pitt, Spain, in 1762, declared war against England, but only to meet defeat from the British navy in the Gulf of Mexico and to lose Havana, her chief hold upon that region. The entrance of Spain into the war had but little military significance, for her action was offset by the peace which Russia made with Frederick, and did not prevent the English from extending their American conquests over the whole of the Gulf

of Mexico, ending in the possession of Martinique, Grenada, St. Lucia, and St. Vincent, as well as Havana.

The strain of this stupendous war, however, had exhausted all parties; the questions which had caused it were now practically settled; Prussia had won its right to become the centre of the German nation, and England had established her claims, or at least had proven her power to enforce them, over North America and India. The commissioners of France and Spain met those of England at Paris in 1763 and drew up an agreement whereby France ceded to England the greater part of India and all of her territory east of the Mississippi, adding to this the right of free navigation of the Mississippi. Of all her vast territory she retained only Louisiana, including New Orleans and the practical island of land lying east of the river between Manchac, the river, and the Lakes. By the same treaty, Spain ceded Florida to England in return for the restoration of Havana.

The question of Louisiana yet remained to be settled. France could now no longer support the colony with the English at the very walls of its capital and with English vessels and commerce monopolizing the river. Moreover, Spain was discontented over the territorial losses with which she had paid for her friendship to France. France, therefore, offered Louisiana to Spain for the double purpose of saving it from the clutches of the English and of recompensing her ally for the loss of Florida, and on the same day on which the Treaty of Paris was signed, ceded the province to Spain, though the transfer was made chiefly by virtue of Article 18 of the Family Pact of 1761, by which the power coming to the aid of the other should be indemnified for losses. Nevertheless Spain showed small interest in her new possessions, whose vague boundaries to the north and west were not even defined in the act of cession.

Thus Louisiana remained abandoned by the mother country and unclaimed by the new sovereign. Even the

fact of the cession was not made known to the people, though they felt instinctively that some great change was taking place. As in the case of Canada, the blame for the failure of the colony to justify the hopes of its owners was laid against the colonial officials. Kerlérec was recalled and thrown into the Bastile. His successor, D'Abadie, was called merely Director General, and the French military force was reduced to three hundred and served merely to guard the king's stores and protect the royal interests. One can imagine the apprehension of the colonists as the Spaniards retired from Florida, the very names of whose fortresses were changed by the new masters; the sound of the new names must have been ominous of a more gloomy future — Fort Condé at Mobile changed to Fort Charlotte, Fort Natchez to Fort Panmure, Pensacola to Fort St. George; and with what bitterness must the old inhabitants have watched party after party come in from the abandoned posts of the Illinois, Alabama, and Mississippi. Many of the French settlers and friendly Indians in the ceded territory refused to take the oath of allegiance to England and came to settle about New Orleans. Even that place felt the effects of the great change that had taken place, for the British promptly established Fort Bute at Manchac, and soon English vessels began to appear on the river. On pretext of going up to Fort Bute or the now English post at the Natchez, English traders came into the river and began to drive a thriving illicit trade with the French colonies. The boats would tie up at the bank near Little Manchac, as the place was called, and the merchants and buyers of the town flocked to take advantage of the unusual opportunity. So general was the illegal trade, and so necessary was it to the now deserted colony, that no one, not even the officers of the government, made any secret of "going to Little Manchac."

The American colonies, relieved now of the fear of France and free to occupy the west, began a steady pro-

gress of immigration into the valley of the Mississippi. The loosening of the chain of forts whereby France had held them shut in behind the Alleghanies resulted in the immediate territorial expansion which soon made the group of colonies a nation and gave them the feeling of independence which enabled them to throw off the control of England. Green's statement is no exaggeration, that "with the triumph of Wolfe on the Heights of Abraham began the history of the United States; for by removing an enemy whose dread had knit the colonists to the mother country and by breaking through the line with which France had barred them from the basin of the Mississippi, Pitt laid the foundation of the great republic of the west." Nothing now stood in the way of their ultimate nationality save the province of Louisiana, and as yet the necessity of its possession was not completely felt.

The people of Louisiana remained in ignorance of the disposition that had been made of them until, in 1764, D'Abadie received official announcement that the province now belonged to Spain and should be surrendered whenever authorized officials presented themselves. It is easy to conceive the dismay of the Louisianians. While they retained that love and loyalty towards France which has always prevented the French from becoming good colonists, they had nevertheless developed in their isolation a distinct character, and had been taught by experience a greater reliance upon their own leaders than upon the distant national government. Thus it was hard for them to realize that they had been abandoned, and their first impulse was towards a passionate protest of loyalty as Frenchmen; but when it began to dawn upon them that their king had indifferently bartered them to Spain, whom they had learned to scorn, another feeling, that of resistance, began to gather force.

In the midst of the gloom and depression, a party of twenty Acadians landed at New Orleans after almost ten

years of exile from their homes. Their arrival came as an ill omen, for they too had been abandoned by France, torn from their country, and scattered among the English colonies by their new masters until the end of the war allowed them to seek refuge among folk of their own speech and faith. Others came and settled in the Attakapas, Lafourche, and Opelousas districts, and on the German coast; but the tales of misery, exile, and separation which they told must have had their effect in determining the Louisianians to resist the Spanish.

In 1765, D'Abadie died, and as no one was sent in his place, Aubry, the senior captain of the petty military force, assumed command, while the colony waited in expectation of some move on the part of Spain.

CHAPTER V

THE REVOLUTION OF '68

In the present anxiety little reliance was placed upon Aubry. As a matter of fact, he was not a civil officer and had risen to the direction of affairs merely by chance. He was a soldier whose record in the late war was good, but his virtues were military obedience and submission to authority rather than those powers of initiative and direction which constitute administrative ability. His chief characteristic seems to have been compliance with authority, and this sufficiently explains the disregard which the people felt and showed towards him as well as his own conduct in the tragic drama which followed, though in it the memory of the people has assigned him the rôle of traitor and traditional villain.[1]

How isolated from France the colony had become and how ignorant they were of the state of affairs in the kingdom, and especially of the vicious, uncaring life of that cryptic court of Louis XV, is shown in the resolution to appeal directly to their sovereign. In these years of struggle with the simple forces of nature in the wilderness, working out for themselves in their little civilization a life of almost primitive simplicity, the people seem to have crowned with a halo of illusion that distant Paris, and invested their ideal of the far-off king with infinite power and infinite benevolence. The very name — Louis — pictured to them the royal father of Louisiana. In their own eyes they were still the children of the king. They were inevitably some twenty years behind the times,

[1] Cf. Champigny, *Etat present de la Louisiane* (1776), p. 38.

for the king was still to them "Louis the Well-Beloved," whom all France had prayed for in that illness of 1744, but whom France now remembered only to curse. What more pitiful illusion could be than the poetic resolve of these people to lay their protestations of loyalty, and their petition not to be cast off among strangers, at the feet of a king shut up even from the sight of his closest subjects in a mysterious court whose secret, nameless vices were too unnatural for the sight of even Paris. Far from the sight of those shameless officials who ruled the kingdom, far from the sound of the groans and curses of the wretched peasantry of France, whose starvation-dreams were already made yet more hideous by the lust of blood and revenge, the Louisianians could not realize that France lay crushed and helpless, beaten by the enemy without and plagued within by the devils that possessed her. Yet, incredible as it may now seem, it was to this king and this nation that the people of the forsaken colony appealed in the obsolete names of loyalty, pity, patriotism, and kinship.

Lafrénière, the attorney-general, a man of eloquence and eager independence, was the leader in this movement. Seconded by Villeré, by the two Milhets, Doucet, the Chevalier d'Arensbourg, Lesassier, Caresse, De la Chaise, Marquis, Masan, Poupet, Boisblanc, De Noyan, and many others of the prominent men of the province, he called a convention of delegates from the outlying parishes to meet in New Orleans. To the eager assembly Lafrénière, in an earnest speech, proposed a set of resolutions which were unanimously adopted and given to Jean Milhet to take to France and lay before the king. Milhet made all possible haste with this credulous expression of loyalty to get to Paris and seek out Bienville, now an old man living in quiet obscurity. Together the venerable father of New Orleans and its young representative sallied forth to lay the impassioned appeal of Louisiana before the king. Louis was, of course, inacces-

sible, locked in his palace with his secret vices like some fabulous Minotaur in the depths of an impenetrable labyrinth, hedged in from all approach and knowledge of his kingdom by many satellites. Bienville and Milhet considered themselves fortunate to reach at last the all-powerful Duc de Choiseul. To him they made their appeal and begged his influence to gain them an audience with the king. With his usual suavity he heard their arguments and showed them the greatest kindness, finally sending them away with the promise of his assistance. But neither Bienville nor Milhet could know how dead the cynical heart of Choiseul was to such feelings as burned from the written words of the petition, nor did they know that the act of cession to Spain was the secret work of Choiseul himself, and that he had this additional motive for suppressing the petition. With excuses, evasions, and promises, Milhet was put off week after week until a full year had passed, and his petition had been seen by none but Choiseul. Still he haunted the antechamber of the great minister, and fed his hopes upon the promises which that masterful intriguer knew so well to make.

Meanwhile, as the Spaniards had made no move to claim their acquisition, the hopes of the people in the colony began to revive. No news from Milhet, in this light, was taken as good news. Suddenly, however, in July, 1765, came a letter from Don Antonio de Ulloa in Havana, informing the Superior Council that he had orders from the king to go to Louisiana and take possession for Spain. Yet it was March of the following year (1766) when a single frigate brought the Don and a paltry escort of ninety men to New Orleans. The negligent attitude of Spain was already a puzzle to the people, and her method of taking possession as well as the indifferent conduct of her representative merely served to deepen the doubt and discontent. Ulloa was given a cold but courteous reception, while the people watched

him with undisguised distrust; for, when the Superior Council had asked for his commission or credentials authorizing him to act for the country which he was supposed to represent, he refused to show them or, indeed, to treat with the Council at all, seeming to recognize only the military authority vested in Aubry. It appeared later that Ulloa had been sent out almost unsupported, upon the belief that the French troops in Louisiana would enlist in the Spanish service, and that the colony was entirely willing to transfer its allegiance. The very fact, however, that he came so tardily and without show of power or authority caused instant distrust, and led the soldiers to refuse to enlist under him. He was cold, reserved, and proud, but the source of his dignity — his reputation as a man of learning and science — was all unknown to Louisiana, and therefore his assumption of authority, unsupported by any appearance, was taken to be mere arrogance or pretension. He thus found himself, mostly by his own fault, in a very awkward position, but was not the man to better such a situation. On the contrary, he informed Aubry that he would not take formal possession until he had been reinforced, and in the mean time withdrew himself from all contact with the people, refused to treat with the civil authorities, but kept firm hold upon Aubry, whose prompt submission and instinctive obedience to superiority made him a ready instrument for practically ruling the colony. Ulloa made a tour of the parishes, posts, and forts of the province, and took a census of the city, which showed 5552 inhabitants. Moreover, although the French flag had never been lowered at the capital, and though he had not formally taken possession, he felt encouraged by the submission of Aubry and the inactivity of the people to assume a more decided attitude. He advanced money to Aubry to pay the soldiers, as France had long ceased to make remittances, and even went so far as to issue a sort of prospectus, as it were, of the ordinances regulating trade

which Spain customarily imposed upon her colonies and which were soon to be established in Louisiana. It was announced that no vessels should enter the port without submitting to him a full report and valuation of cargoes; that the trade of the colony was to be carried on solely in Spanish-built vessels manned and owned by Spanish subjects, and should be restricted to six designated ports of the Spanish peninsula; and that vessels leaving Louisiana were forbidden to enter even a Spanish-American port, save only in great distress, and then only under strict supervision and the payment of heavy charges.

Ulloa had thus confirmed the fears which the people had felt since the first rumors of cession. They had had abundant opportunity to observe the disastrous effects of Spanish trade-laws upon such colonies as Pensacola; for themselves they had dreaded this interference perhaps even more than the thoughts of submitting to the rigid domination of church and state which was supposed always to accompany Spanish possession. The merchants and ship captains of New Orleans met and sent a petition to the Superior Council, begging a suspension of Ulloa's ordinance until they had had time to prepare their case and be heard. No definite action was taken, as Ulloa was of course unable to enforce his decrees, and was compelled to content himself with announcing them and waiting for further support from his government. On the other hand, the people, waiting for some word of encouragement from the still absent Milhet, and yet hoping against hope, hesitated between submission and resistance.

Meanwhile, Ulloa left New Orleans and established himself at the Balize, near the mouth of the river, to wait for his affianced bride, the Duchess D'Abrado, a lady of fabulous beauty and wealth, who was to come to him from the marvelous land of Peru. As the lady tarried for seven months, the expectant lover waited patiently for her at the swamp-girt pilot settlement, while

the truckling Aubry was kept anxiously busy running back and forth to get secret instructions and to execute them. The province, thus left to itself, began to hope that the evident carelessness which Spain showed perhaps meant that the cession was not actually to be consummated. In truth, Spain had shown less eagerness in taking Louisiana than France in her determination to be rid of a colony which she could no longer support; and while Milhet was still waiting in Paris with his yet unheard petition, France was endeavoring to induce Spain to pay all the expenses of the colony since 1763.[1] So evident was Choiseul's intention to abandon Louisiana, that finally even Milhet gave up hope and returned to announce to his countrymen that their petition had not even been shown to the king and to convince them that their antiquated ideas of patriotism, loyalty, and devotion were but so many laughable chimeras to the France of Louis XV.

It was now the winter of 1768. As is usual at such times of crisis, the imaginations of the people saw in the phenomena of nature presages of coming disaster. The months of January and February were the coldest ever known. Orange-trees throughout the province were frozen and killed, and the city was astounded at the sight of huge blocks of ice tumbling in the sullen current of the river. In the agitation of public feeling, small happenings acquired the significance of events. One is not surprised to learn that the people found Ulloa's new wife even more cold, haughty, and exclusive than the man of science, her husband, and her arrival was the cause of purely social dissensions which, in a city having the temperament and French heritage of New Orleans, had the importance of political acts. As the Spanish commander had drawn upon himself the dislike and distrust of the men, so his gorgeous wife now stirred to activity

[1] See letter of Grimaldi in Gayarré's *Histoire de la Louisiane*, ii, 160.

the no less potent resentment of the women. In the very act of his marriage, too, celebrated at the Balize by the chaplain of the vessel that brought the lady, the Church of Louisiana found cause of complaint; and there remains a curious deposition of Father Dagobert, the Capuchin superior, to the effect that this marriage, celebrated in complete disregard of both the civil and the ecclesiastical authorities, had caused great scandal to the people, and led timorous minds to fear the time when the nation whose representative could so defy conventional morality should control the welfare of the colony. There were, however, deeper forces at work among the people than even themselves perhaps knew at the time. As long as they had been a part of France, there had been no thoughts of an existence apart from hers. Independence or alliance with the English colonies would have seemed alike impossible and undesirable, had such ideas been suggested; but in the present hard case, when they felt themselves abandoned by their countrymen and ignored by their new masters, the people began to consider the alternatives of independence or perhaps of an appeal to the English. The first hints of the new spirit are found in the crude and hastily drawn up declaration adopted by a convention called in New Orleans on October 29, 1768, by Lafrénière, the two Milhets, and Doucet. This convention, like the former, was composed of delegates from all the neighboring parishes, and was peaceful in character and intent, save that some Acadians and Germans from the Côte des Allemands came in with their guns so as to be prepared for any opposition from the Spanish or from Aubry's French troops. This convention was fully representative of all classes, and in its resolutions was embodied the first expression of the will of the people. The resolutions were in the form of a declaration of grievances against Ulloa's informal assumption of authority, as well as a petition to the Superior Council to assure the colony of its former rights,

especially those of trade and commerce, and to declare Ulloa a usurper and bid him depart. In words that were unmistakable was expressed the idea which throughout the world was undermining the thrones of kings, the idea which was drawing the American colonies into union, and which was later to create the republics of the United States and France itself, that governments are not for the rulers but for the people, that in any act touching their welfare the voice of the people should decide, and that, in the words of Lafrénière, "Parliaments and Superior Councils are the depositaries of the laws under whose sanction the people may live in happiness; they are the natural protectors, by law, of honest citizens." The Council concurred in the will of the convention, declared itself dissatisfied with Ulloa's claims to authority, and ordered him to leave the colony. The Council apparently acted in this way under the impression that France had imposed some conditions upon Spain in regard to the government of Louisiana, and had made thereby some provision for their special welfare before ceding the territory; but as a matter of fact the colony had been hastily and unconditionally surrendered to Spain, and Aubry, who was perhaps better informed, protested against the action of the Council, apparently for the reason that he knew that the little handful of colonists, alone and unaided, could not hope to offer more than a fatal resistance to Spain. He consented, however, to Ulloa's departure, but only, as he said, for fear that violence might be done him. Therefore, escorted by Aubry's troops, the Spaniard went aboard a French frigate lying in the river, his own vessel being laid up for repairs. On the march to the levee he was offered no violence or abuse. There were heard along the streets only a few shouts, "Long live Louis, the Well-Beloved!" Three of Ulloa's officers, Loyola, Navarro, and Gayarré, were allowed to remain in the city as Spanish representatives until the

question of possession could be finally settled. Thus, without bloodshed or violence, was accomplished the so-called "Revolution of '68." But the vessel containing Ulloa's hated presence still lay before the city, an ominous reminder of Spanish rule. Thus the ship lay moored to the bank until November 1st. At daybreak that morning, a party of young men who had passed the night in revels that had begun at a wedding supper, passed along the levee. They halted before the ship, sang patriotic French songs, and hooted their triumph at the silent, motionless hulk. Finally, one of their number was roused to such zeal that he cut the cable which held the ship to the landing. Instantly the current caught her and bore her out to midstream, amid the hoots of the young men. She drifted some distance before her sailors could be roused and could anchor her. There she remained until midday, but then, without further leave-taking, hoisted sail for Cuba to report the whole matter to the Spanish government.

On the 22d of November, 1768, the Superior Council directed one of its members, Lesassier, to go to France and present to Duc de Praslin, Minister of Foreign Affairs, the decree expelling Ulloa, and a new memorial which condemned that commander's conduct in the strongest terms and reiterated Louisiana's loyalty to France. Praslin was begged to lay before the king an appended petition which cited in detail their complaints against Ulloa's oppression, especially his treatment of certain Acadians whom he had banished. Gayarré calls the petition exaggerated, but an unprejudiced reading of the document reveals nothing but sincerity and intense, though misplaced, devotion to a worthless king and an indifferent fatherland. This petition also never reached the king, though it was so extensively circulated about Paris that the Spanish government complained. Foucault, a trimmer throughout the whole affair, and Aubry, still cautious and subservient, sent

reports to the government. Both, however, assert that Ulloa was to be blamed for his attitude towards the people. Now that he had been dismissed, Ulloa appeared to Aubry not to have "the qualities that are necessary to rule the French." He says also that Ulloa's conduct had justified the impression that the Spaniards intended to rule as masters, and that "instead of attempting to gain their (i. e. the people's) hearts, a thing which is absolutely necessary in a change of government, he has done everything he could to alienate them." According to Aubry's report, the colony was in a miserable condition of depression at being abandoned by France. The whole colony, he said, wished to remain French, "except the officers of the army, a handful of old soldiers who are faithful to me, and a small number of worthy people who are united with me." In this report it is evident that he wishes to carry out the orders of his government in every particular, and to express his willingness to assist the Spanish; yet, in view of the sudden determination of the people, he does not yet dare to go utterly against them, for their motives had hitherto been purely patriotic and loyal to France. He nevertheless calls the events of the 28th and 29th October a "revolt," and says that on these days nine hundred armed men were ready for resistance, had he dared to oppose them with his troops. From Havana, Ulloa wrote to Spain that upon his arrival at New Orleans he had been warned by Aubry of the intractable character of the people, and that he had found this true. He states also that before the uprising he had been informed that Noyan and young Bienville (nephews of the old governor), together with Masan, had gone to Mobile and begged aid of the English, in their rebellion, to form a "republic under the protection of England; but failing in this hope, they had resolved to rebel and trample under foot the orders of their sovereign."

The refusal of the English, if such a request were

indeed made to them, is easily understood. Their own colonies, now freed from fear of the French in Canada, had begun to show an ominous spirit of independence, and the government, no doubt, felt that the presence of a strong power, like Spain, in the south and west, might prevent them from final separation from the mother country.

The news contained in Ulloa's bitter report stirred Spain at once to activity. A council of ministers was called — the Duke of Alba, the Marquis de Grimaldi, and Count Aranda among others. They decided that Louisiana was to be retained and that the most effective measures should be adopted. Grimaldi, writing[1] to the Count de Fuentes, Spanish ambassador to France, after enumerating the advantages which the possession of Louisiana offered to Spain, states that Ulloa had arrived and made a full report, and that it now remained for Spain formally to take possession, as Ulloa had not done so. He reports also that the council had reached the following decision in regard to the rebels: "To punish the rashness of the people and the offense which they had given to the government and to subdue the rebels by force." The memorial further states that Don Alexander O'Reilly had already set out for Louisiana, with orders to take whatever troops were necessary, and to draw further upon Havana if he saw fit, to banish from the colony all persons likely to give trouble in future and to form a government, but that O'Reilly was ordered in punishing the leaders of the revolution to "act with the greatest clemency and to content himself with banishing from the colony those who deserved a greater punishment."

Meanwhile, Louisiana still retained some hope all the while that O'Reilly and his army were speeding westward. They still relied upon French intercession. Aubry, evidently uneasy in spirit, wrote in February, 1769, to Buccarelly, captain-general of Cuba, hoping that Ulloa

[1] Gayarré's *Histoire de la Louisiane*, ii. 265.

had done justice to his (Aubry's) services to Spain, "since no one venerates and loves the Spanish nation more than I do." He said, moreover: "This revolution dishonors the French of Louisiana," and suggested that the leaders ought to be punished "as they deserve." There must have been some reaction of the public feeling after the decisive action of the Council had finally flung defiance at Spain, and some of the more timorous must have thought it wiser to sail with the wind under Aubry's skillful pilotage; for when, in December, the plucky Council ordered Aubry to send away the Spanish frigate that had remained for repairs, Aubry had a force of four hundred men and refused to let the vessel sail, whereas he had had but one hundred at the beginning of the trouble.

As time passed and no word of encouragement came from France, and the success of the revolution seemed more doubtful, Foucault began to show some uneasiness for the part he had played in it, and wrote to Praslin (March 21, 1769) that he had assented to the action of the Council in expelling Ulloa only under compulsion. He accused the leaders of the people of purely selfish motives, and asserted that they had determined to burn the city rather than give it up to the Spaniards. Evidently the refusal of France to listen to their appeals had caused the mass of the people to hesitate, for we hear of no attempt being made to raise an army or to fortify and protect the city. In fact, with Aubry and Foucault in command of the military and scant fiscal resources of the province, nothing could be done against such power as Spain could hurl against them. Nevertheless, the leaders, with desperate courage, held out against the ever-increasing danger for the rights which they had dared to assert. Even now they entertained the idea of establishing a government of their own led by officers of their choice. The idea was out, but it was yet too new, too startling, too full of perils and responsibilities to find immediate

support or many adherents except among the most determined. Thus the lack of unity within the colony prevented any decided action, and in the midst of the doubt and anxiety came the news from the Balize that a Spanish fleet of twenty-four vessels had arrived there.

Immediately following the messenger came Don Francisco Bouligny, with a letter from O'Reilly to Aubry. A great and anxious crowd was assembled when Bouligny landed at the levee. The Spanish officers, Loyola, Navarro, and Gayarré, left behind by Ulloa, met him and led him to Aubry, who received him with the greatest courtesy. After O'Reilly's letter had been translated by Bouligny, Aubry said that he was ready to surrender the province and offer the assistance of his troops in case the populace showed signs of opposition. The next day Aubry called the people together and informed them publicly of his decision. The people remained silent and gloomy. Lafrénière and Marquis then advanced from the crowd and demanded a special audience. After consultation with Aubry, the representatives of the people agreed to surrender, and told Bouligny that they would go down the river to meet O'Reilly and assure him of their intention to offer no further resistance. Next day they went with Bouligny to O'Reilly, who received them courteously on board his vessel. Lafrénière, acting as spokesman, assured the Spaniard that as the people were now convinced that France was determined to abandon them, it was no longer possible for them to oppose this decision and they were now ready to submit. He asserted boldly that only the harshness and strange conduct of Ulloa had at first forced them to take determined action, and assured O'Reilly that legal authority would be more effective in conquering the people than force of arms. To these statements O'Reilly replied that he would say nothing definite until a full investigation on the spot had put him in possession of all the facts, but he assured Lafrénière that his intentions were the kindest and that he

meant to do harm to no one. He said that he was pleased that the people now thought more reasonably and had recovered from the vertigo that had made them fancy that they could resist one of the most powerful nations of Europe, or that the king of France would give ear "to the cries of a rebellious people." At these words Milhet interrupted him, and explained that the people had never been in rebellion, since they had never formally been declared subjects of Spain or accepted Spanish rule. O'Reilly then assured him kindly that all his reasons would be heard in good time, and hoped that all matters would then be satisfactorily settled. He kept the three Louisianians to dine with him, treated them with marked courtesy, and sent them back to the city reassured that the people need fear no acts of vengeance.

On August 18, 1769, O'Reilly's vessels anchored opposite the Place d'Armes. Aubry had drawn up his French troops along one of the sides facing the river. The whole square was left vacant. The people, still anxious, silent, and overawed by the warlike appearance of the large armament, crowded the streets about the square. At midday O'Reilly, with three thousand picked men fully armed, left the vessels and drew up his soldiery along the three sides of the square left vacant by Aubry. Aubry, advancing to the centre of the square, was met by O'Reilly, who presented his papers and commissions of authority. These were read aloud, and in the midst of profound silence Aubry absolved the people from their allegiance to France and declared them subjects of Spain. Salutes were fired, the Spanish flag run up in place of the French, and the officers then entered the parish church, where a Te Deum was sung. An imposing parade of O'Reilly's splendidly armed soldiers completed the ceremonies, and gave the whole city an opportunity to estimate the power which backed their new rulers.

O'Reilly lost no time in demanding of Aubry a full account of all the events preceding and following Ulloa's

expulsion, together with the names of the chief movers and all documents and papers relating to the matter. Aubry, eager to gain the favor of the new power, far exceeded the necessities of the case in the elaborate written report which he speedily put into O'Reilly's hands. He had continually posed as the friend of the people, and had maintained that his moderation and conservatism had saved them from a revolt which would have led them to destruction. It was now in his power to represent the affair in its most favorable light to O'Reilly, and perhaps secure a pardon for the leaders of the discontented. Instead of this his disgraceful eagerness to prove his loyalty to the party in power and win the Spaniard's favor led him to make the action of Lafrénière and his associates as heinous as the facts would permit. In his report, he accuses them of seditious and rebellious attempts to prejudice the people against the authorized government from motives of personal and selfish ambition, and name by name called attention to the acts of the principals. So secretly did O'Reilly gather his information and so carefully did he conceal his vindictive purpose that when, on the 21st of August, he invited the principal persons of the colony to a reception at his government house and named among his guests the leaders of the revolution, no one suspected in the act anything but a magnanimous sign of forgiveness and an overture of friendship. For this reason all of the marked men, except Villeré, who was absent from the town, presented themselves at the general's reception. When all those for whom the gathering had been chiefly called had arrived and after the Spaniard's polished courtesies and welcome had completely thrown them off their guard, O'Reilly found a pretext to call aside those whom Aubry had named in his report, and invited them with him into an inner room. Scarcely had they entered when the doors were closed and barred upon them, and a file of armed soldiers surrounded them and hurried them away to safe places of

imprisonment. It will be remembered that Villeré, who had been named by Aubry as one of the most dangerous of the conspirators, was not present at the fatal reception. He was destined, however, to a more sudden doom, and his tragic death gave a yet more sinister aspect to the new turn of affairs. In his case the accounts are conflicting. The Spanish official report supplements the account of his arrest by the simple statement that he "died raving mad on the day of his arrest." Bossu, who had just returned to the colony at this time, states that Villeré, being at his plantation below the city when the Spaniards arrived, had determined to escape to the English colonies, but had been induced to return by a letter from Aubry, who assured him that his flight would increase the suspicion of guilt against those who remained. He had therefore returned, but had been met at the gates of the town by a Spanish officer, with a file of soldiers, and placed under arrest. In his anger and surprise at this action, Villeré was reported to have struck the officer and fallen beneath the bayonets of the enraged soldiers. Judge Martin gives yet another account. According to this, Villeré had returned to the city, fearing that his absence would be taken as a confession of guilt, that he had been immediately arrested and confined on board a Spanish vessel in the river. His wife had anxiously followed him to town and, learning that he was on board the vessel, had rowed out in a canoe and begged the guard to allow her to see him. Her prayers were refused, but Villeré in the cabin heard and recognized her voice and attempted to go on deck, though ordered back by the guard. There was a struggle, and Villere was shot to death. Judge Martin also states that the victim's bloody shirt was thrown to the wife as a concise answer to her frantic entreaties. This is the story accepted by popular tradition.

Not satisfied with what he had already done, Aubry now busied himself to fasten guilt upon Intendant Fou-

cault, arrested him, and delivered him to O'Reilly, with the statement that his criminal conduct had brought the colony to the verge of ruin and had done much to animate the feelings of the people against the Spanish. Now, after assisting O'Reilly in getting the leaders of the people into his power, after being present at their arrest, and after having accused them secretly and treacherously, Aubry began to applaud the "generosity and goodness" of the Spaniard in selecting so few victims when "there were many others who deserved the same fate." Braud, the official printer who had issued the memorial of the people during the preceding October, was also arrested, but was released when he showed in justification the signed order of Intendant Foucault and pleaded that he had merely followed the orders of his superior. It thus appeared that Foucault was guilty both against the Spaniards and against the people. He was examined, but in view of his official position under the French he was shipped to France and imprisoned in the Bastile by his own government, though afterwards released.

From all testimony extant, it is plain that the guilt of the remaining victims had been predetermined by O'Reilly, with Aubry's able assistance, and that they were foredoomed as examples. The forms of examination and trial were nevertheless gone through. A Spanish advocate, Don Felix del Rey, drew up an act of accusation, naming as chiefs of the conspiracy, Nicolas Chauvin de Lafrénière, Jean Baptiste Noyan, Balthazar Masan, Pierre Marquis, Joseph Villeré, Pierre Caresse, Pierre Hardy de Boisblanc, Joseph Petit, Jean and Joseph Milhet, Pierre Poupet, Julien Jérome Doucet, Foucault, and young Bienville, though the two last-named, being in the official service of France, were not tried with the rest. All the others were accused of *lèse-majesté*, under Spanish law, for which the penalty was death and confiscation of property. Anticipating that

the accused would claim as their sole defense that they were not under the jurisdiction of Spain at the time of the expulsion of Ulloa, the act of accusation lays special stress upon the statement that the province had been fully and completely surrendered to Ulloa by Aubry by written act, in a letter which had been secretly given by Aubry to Ulloa at the Balize, unknown to the inhabitants. Upon this secret act of Aubry, the Spaniards based their claim to consider the action of the people a rebellion against the king of Spain. The examination of the prisoners was made separately and in secret in the cells wherein they were confined, only Spanish officials being present. In defense, the accused asserted, as had been expected, that the Spanish courts had no jurisdiction over their case, "since, admitting the truth of the facts brought against us, these facts took place while the white flag yet floated over our heads and while the French laws yet governed the colony. Furthermore, Ulloa pretended that he had not sufficient force to take possession, and the government remained in the hands of Aubry for the king of France, nor could we be faithful to two sovereigns at once, and the king of Spain could not have counted upon our allegiance before receiving our oaths and before being in a position to cover us with his protection." Such objections, however, were disregarded, for O'Reilly had determined to make a harsh example for all time of the leaders of the revolution and display to its fullest the power of Spain to crush discontent and hold even an unwilling colony in absolute control. We have seen that his written instructions before leaving Spain had ordered him to establish a firm government and punish the leaders of the people, but not to inflict the death penalty. Whether these instructions had been drawn up to show to the French government, and whether O'Reilly had received verbal orders which allowed him more severity, is impossible to say; nevertheless he resolved to inflict the extreme penalty upon those of his

victims whom he had selected as the most prominent, men of the best and most honored blood in the colony.

On October 24, 1769, he passed his sentence: "The Sieurs Nicolas Chauvin de Lafrénière, Jean Baptiste Noyan, Pierre Caresse, Pierre Marquis, and Joseph Milhet, as leaders of said conspiracy . . . (as is demanded by the infamy which they have incurred *ipso jure* by their participation in so horrible a crime), to be led to their punishment with cords about their necks upon asses, to be hanged until dead, and to remain hanging until I otherwise order." As Villeré was indeed beyond O'Reilly's jurisdiction, the general had to content himself with condemning the memory of the dead to infamy. Petit was sentenced to imprisonment for life; Masan and Doucet for ten years; Boisblanc, Jean Milhet, and Poupet for six years. The properties of all were confiscated, and all the papers, publications, and memorials of the revolution were ordered to be collected and publicly burned by the hangman. Necessity, however, somewhat modified the execution of the sentence upon Lafrénière and his fellows. It was discovered that the colony had no official executioner, and that no one considered himself sufficiently expert in the art of hanging to undertake O'Reilly's brutal work. He was therefore prevailed upon, at the suggestion of Don Felix del Rey, to allow the condemned to be shot.

On the 25th of October, 1769, at three o'clock in the afternoon, Lafrénière, Milhet, Marquis, Noyan, and Caresse were bound and led from prison under strong guard into the yard of the barracks. There were no witnesses save the Spanish officers and soldiers drawn up grimly in a hollow square, the interpreters, and O'Reilly's clerk, Rodriguez, whose account is the only one we have. Outside, in the Place d'Armes, a large body of troops was drawn up in readiness to meet any demonstration from the people, and armed squads patrolled the deserted, echoing streets. But the little town lay silent

and gloomy behind closed doors, and seemed to wait in the stillness of death or despair for the sound of the fatal shots. Within the barracks yard, the five condemned men were drawn up before the firing line, and the sentence of death was read to them in Spanish and French. Tradition has it that Lafrénière himself gave the command to fire, and that all met death with the same spirit of courage with which they had asserted their loyalty to unworthy France and braved for her sake the anger of Spain. With this volley of Spanish bullets ended forever the last valid assertion of France to the vast country which so many of her heroes had given their lives to win for her and to retain even in spite of her own blinded counsels.[1]

Louisiana now lay crushed and hopeless in the power of O'Reilly. Perhaps he had been led to believe by Aubry's insinuations that only by such a brutal show of power could he beat the people at once into submission, but the needless cruelty of this unmerited vengeance has fixed in the memory of Louisiana the epithet "Bloody" upon the name of the otherwise kindly O'Reilly.

But the little tragedy did not end without an epilogue, in which many a bitter heart in Louisiana saw the retributive significance of poetic justice. Aubry had played a sinister part in the whole affair. Upon him rested the chief blame for the tragedy that had ended in the barracks yard. Upon him, more than upon any other, was laid the responsibility for the death of those whom Louisiana still calls her first martyrs. When, therefore, O'Reilly had no further need of him, Aubry was eager to leave a place where his presence roused only hatred. Two documents[2] lately found show that Aubry hurried from the city much earlier than the date currently given.

[1] Petit, Masan, the second Milhet, Doucet, Boisblanc, and Poupet were sent to Morro Castle in Havana, but were released after a year's imprisonment.

[2] Publications of Louisiana Historical Society, vol. ii, part i.

In fact he slipped away within a month after the death of the revolutionists, and from the present accounts it appears that he had his belongings put on board the ship, Père de Famille, at New Orleans, but that he himself took the ship two and a half leagues below the city, rowing out to her as she dropped down the river, and that he brought with him a large purse of gold pieces, besides which he had on board two boxes and a bag full of silver. These facts — that he slipped away hastily and perhaps secretly, and that his chief luggage was gold and silver coin — impart a yet more sinister character to the acts of this hated man. Be the truth what it may, Aubry was not destined to reach France in safety or enjoy the reward of his submission, if indeed he had been paid by the Spaniards, as has always been suspected; for, on attempting to enter the river of Bordeaux (Gironde), the vessel was wrecked, and all on board perished save three sergeants, the surgeon, and the captain of the ship, whose sworn testimony of the facts just cited is the authority for the manner of Aubry's exit from Louisiana and from the world.

CHAPTER VI

SPANISH RECONSTRUCTION — LOUISIANA AND THE AMERICAN REVOLUTION

O'Reilly's orders had been to obliterate what traces of rebellion he might find, establish a Spanish system of government, and then turn the direction of affairs over to Don Luis de Unzaga, who had come with him. O'Reilly was never governor of the province. He was commissioned as captain-general. He was too important a man to be isolated in a distant colony, but the fact that he was chosen for the work of reconstructing Louisiana showed that Spain was determined that the work should be done with such thoroughness and expedition that the colony might thereafter be safely left in the care of less strenuous officials. In this spirit O'Reilly had set to work, and now that he had completely crushed all opposition, the kindlier side of his nature appears in his labor to establish the government upon a just and firm basis.

He first took a census of the city, finding 3187 inhabitants, white and colored. He then made a tour of the parishes, reassuring the people and making himself acquainted with their needs and conditions. To encourage settlement and improvement of the country, he offered to grant a tract of land six arpents wide by forty deep to each family that would settle upon it and within three years build and keep in order before the property a levee and a road forty feet wide.

Under French rule, the government had proceeded without much system. There had been no completely

codified set of laws save those relating to the negroes. Governor and Intendant had been left free to quarrel with each other over the spoils defrauded from the people and the poorly paid soldiers. O'Reilly, therefore, destroyed nothing valuable when he abolished the Superior Council and swept away the whole French judicial fabric save only the Black Code. He then announced that he would establish in Louisiana the same form of government which prevailed throughout the Spanish-American colonies. In view of the fact that the people had no knowledge of these laws, he drew up a summary based upon the *Recopilacion de los Indios*, and had them published in French, at New Orleans, in November, 1769. This compilation, known as the Code O'Reilly, was intended to serve until such time as the spread of the Spanish language should enable the people to understand the complete body of the original system. In its main principles, Spanish law was not essentially different from the French, both being traceable through the laws of the Visigoths to Roman law. In Louisiana itself, however, the change was great, from the mere fact that for the first time a system was thoroughly established, enforced by a sufficient number of officials, and left practically to govern itself. The duties of its officers were also distinctly defined.

The chief executive officers were the Governor, charged with civil and military powers; a Captain-General; an Intendant, charged with the administration of revenues and all matters concerning trade, commerce, and foreign relations; a Contador or Comptroller; an Auditor of War, who was also government assessor and councilor at law to the Governor; an Auditor of the Intendancy, who filled the same duties to the Intendant. There were secretaries to the Governor and Intendant, commissaries, surveyors, a captain of the port and of the coast guard, an official interpreter, three notaries, special revenue officers, and their employees. All of these officers whose

salaries amounted to more than three hundred dollars a year were named by the crown; the rest were appointed by the governor. Also, in every parish or provincial department was stationed a commandant, who possessed military and civil authority, notarial powers, and the right of judging, without appeal, civil cases involving less than twenty dollars. In other cases he took written depositions and delivered them to the governor, who referred them to the proper tribunals.

In place of the Superior Council there was established a *Cabildo*, consisting of six perpetual *Regidors*, two ordinary *Alcades*, an Attorney-General Syndic, and a Clerk. Among the *Regidors* were distributed the chief legislative functions, to wit, the *Alferez Real*, or royal standard bearer, an official whose functions were solely honorary; the principal *Alcade Provincial*, who had general supervision of legal matters in the parishes; the *Alguazil Mayor*, or high sheriff; a Depositary General; and a receiver of fines. The two ordinary *Alcades* were elected by the *Cabildo* on the first day of each January. They could be reëlected to a second term only after an interval of two years, unless by unanimous consent of the *Cabildo*. These officers were judges of civil and criminal cases within the city, except those privileged to be tried by ecclesiastical or military court. They heard minor cases every evening at their own homes after eight o'clock. In cases of greater importance they sat in court rooms specially appointed for them, and had the proceedings recorded by a notary or a clerk. There was no appeal from their decisions in cases involving less than three hundred and thirty dollars. In appealed cases, the *Cabildo* appointed two *Regidors* to sit on the case with the *Alcade* who had rendered the decision. The entire *Cabildo* sat every Friday, and the governor presided.

By proclamation of February 22, 1770, O'Reilly assigned the city its first regular revenue, by laying an annual tax of forty dollars on each tavern or café; a tax

of twenty dollars on each hotel, *pension*, or inn; a tax of one dollar upon every barrel of spirituous liquor imported. The butchers voluntarily agreed to a suggested tax of three hundred and seventy dollars a year, and pledged themselves not to increase arbitrarily the price of meat therefor. A tax of six dollars on every boat of 200 tons burden or over and of three dollars on every vessel of smaller bulk landing at or leaving the port was devoted to the support of the levees. The king also ceded at this time to the city of New Orleans the land on both sides of the Place d'Armes between Old Levee and Chartres streets, afterwards rented in perpetuity to Don Andres Almonaster.

The Code Noir (Black Code) granted by Louis XIV and established in Louisiana under Louis XV was ordered to be continued in force and new copies were published.

A regiment of Louisiana was organized and many French enrolled in it.

For the present no change was made in the ecclesiastical organization. Père Dagobert remained Superior of the Capuchins and still under authority of the Bishop of Quebec. A small pension was granted to the two Ursuline nuns who still performed hospital work.

Unhappily the exclusive foreign policy of Spain was laid upon the trade of the colony, and strict supervision was exercised over strangers. No person was harbored in the city or passed by the commanders of the parishes unless he could show an authorized passport. The inhabitants were forbidden to buy goods of the English, whose vessels passed constantly on the way to Manchac, Baton Rouge, or Natchez. They might *sell* to these traders, but only on condition that they received money and not merchandise in return. The fine for breaking this law was one hundred dollars, a third of which was to go to the informer. These restrictions were of course onerous to the people, who had already come to depend upon the English vessels for most of their goods,

and would have worked great hardship upon the colony, had not the Spanish officials seen the necessity of closing their eyes against the contraband commerce which was soon again in full blast. In connection with the ultimate outcome of the resulting conditions, it is interesting to note that while O'Reilly was yet in the colony the scarcity of flour caused the price to run up to twenty dollars a barrel, as the convoys from Spain were late and commerce with the English newly, and therefore strictly, interdicted. In this crisis there arrived a brig from Baltimore with a cargo of flour belonging to Oliver Pollock, a name destined to figure later in other enterprises. Pollock offered the cargo to O'Reilly at his own price. O'Reilly refused to take full advantage of this generous offer, but bought the cargo at fifteen dollars a barrel, reported Pollock's courtesy to the king, and assured the merchant that he would henceforth have free entry to the port with any merchandise.

The first session of the *Cabildo* was opened by O'Reilly, who, however, at once yielded his place to Don Luis de Unzaga y Aurenzaga, and duly installed him as governor of Louisiana. At O'Reilly's departure from the colony, Don Antonio Buccarelly succeeded him as captain-general.

The true intention of the Spanish government and its evident desire to conciliate the people were now evident. O'Reilly had appointed Frenchmen almost exclusively to the commands of the posts. French names appear at once throughout the service, and one soon hears of marriages between the Spanish and the daughters of the French Creoles. Delachaise and St. Denis became *Alcades;* Unzaga himself married a Maxent; a Gayarré married a De Grandpré; Bouligny, Piernas, and other prominent Spaniards did the same. Accustomed as they had been to the squabbles and negligence of many of their former officers and the neglect shown them by the government of France, the inhabitants were not slow to appreciate the care and

expense with which Spain sought to establish a just system of laws and a competent judicial machinery. In the first place Spain sent always officials of approved merit, good birth, and high character. The conduct of the governor was always subject to the inquiry of the *Cabildo*. Every provision was made to prevent unjust imprisonment and delays in bringing cases to prompt trial. The two ordinary *Alcades*, accompanied by the High Sheriff and the Clerk of the *Cabildo*, were required (Code O'Reilly, Articles 13 and 15) to visit the prison every Friday, examine all prisoners detained there, the causes of their detention, and the length of time for which they had been confined. They were ordered to release the poor detained for their expenses or for small debts, and the jailer was forbidden to exact any fee from such persons, under penalty of fine. Thrice during the year, on the eves of Christmas, Easter, and Whitsunday, the governor and the entire *Cabildo* were required to make a general inspection of prisons and release persons arrested for the most petty criminal cases or for small debts, when such debtors should be proven insolvent. The Attorney-General Syndic was not the state prosecuting attorney, as might be imagined from his title, but was an officer whose special duty was to represent the people, to suggest to the *Cabildo* such laws as he deemed needful for their welfare, and to see that they were properly enforced. The section of the code assigning the duties of the jailer is especially humane and considerate of the poor, and shines by comparison with the similar regulations of other states and countries of the day. He was required to give bond, to be approved by the governor and the *Cabildo;* he had to keep careful records of every case of imprisonment, with dates of arrest and trial and the names of the judges by whose order the writs of arrest were issued. He was expressly instructed to keep the prison clean and orderly, to maintain an attitude of kindness to the prisoners, and was forbidden to take fees from the poor, or indeed to

receive gratuities in any shape. In serious criminal cases, no person could be convicted except by the sworn testimony of at least two witnesses "of irreproachable character," and every provision was made for the speedy termination of law suits. Ecclesiastical tyranny was never fastened upon Louisiana, as the people had feared. The intense devotion of the Spanish to the church appears only in the severity of the penalties inflicted for blasphemy: "He who shall revile our Saviour or his Mother, the Holy Virgin Mary, shall have his tongue cut out, and half his property shall be confiscated." One of the laws relating to libel or slander is especially curious, yet typical of the spirit of the code. Article 4 of Section V on punishments decrees that any plebeian convicted of using abusive or slanderous language to the harm of any one shall be condemned to pay a fine of 1200 maravedis,[1] but that a nobleman convicted of the same offense shall pay 2000 maravedis, in view of the greater obligations which noble birth and breeding lay upon a man to observe the laws of courtesy and dignity. For the first time, also, real provision was made in the colonial law to prevent commanders of posts from substituting inferior supplies for those sent out by the government to the soldiers and pocketing the difference in price. Attempt was also made to regulate the Indian trade and prevent injustice being done to the natives. These laws were in force as far north as the Illinois and the little fort of St. Louis on the Missouri, then a post containing thirty-three free inhabitants and eighteen slaves. St. Louis was made the seat of government for Upper Louisiana, and the French commandant, St. Ange, was retained for the present as lieutenant-governor, though he was soon succeeded by Piernas.

As if to complete the reconciliation and to assure the people of its kindly intentions, the Spanish government

[1] The maravedi was the smallest Spanish coin (copper) and was worth about $\frac{1}{4}$ of a U. S. cent or a little more than an English farthing.

had appointed as first governor a man of mild and gentle temper, agreeable manners, and just and equitable nature. Under Unzaga, the colony soon lost its dread of Spanish rule and enjoyed the security of the good government which he administered with strict impartiality, except, perhaps, when he erred upon the side of kindness. When, for example, in 1772, Spanish Capuchins came to Louisiana, and the prying, envious Padre Cirilo attempted to bring about the dismissal of Father Dagobert, the Superior of the French Capuchins, Unzaga interfered on the side of the people and the French priests, even at the risk of incurring the powerful displeasure of his own church, so that the jovial Dagobert, of whom so many tales are told, remained undisturbed in his own devices, and the sniffing ascetic took himself off to an environment where his sanctity found more cordial response than in the gay little capital of Louisiana.

Nevertheless, with all its care to establish a firm hold upon the colony and to engraft Spanish civilization upon the French stock, the domination of Spain in the Mississippi Valley was but an episode in its history. France had long felt her hold upon the interior of the colony weakening before the steady westward advance of the English colonies, and at her final defeat had sought to save distant Louisiana from her enemy by intrusting it to her ally, Spain. But the cession of all the territory east of the Mississippi to England had brought that hostile power to the very gates of the province and had given it a hold upon the great river. The grasp of Spain upon Louisiana was firmer than that of France had been, but was not strong enough to withstand so elemental a force as that which drove the growing English colonies ever westward and made the possession of the Mississippi a necessity to them. Louisiana, so far as Spain was concerned, was but a colony, one out of many, and not the most important, distant as it was and detached from her most vital interests. Perhaps its chief recom-

mendation to the Spanish was that it might serve as an obstacle between the aggressive Saxon and the rich mines of Mexico. Spain made little or no attempt to people with her own race the wild spaces of that vast frontier which her scattered military posts were not strong enough even to watch. To the English colonist, on the other hand, the western forest had become home. Wherever the pioneer and the settler coming over the mountain-passes from the Atlantic settlements planted a trading-post or even a solitary cabin one mile farther towards the west, there the boundaries of the new country were extended and established, and behind every cabin door was a trusty rifle to maintain all claims. Nor was the time far distant when this hardy race would transform the wilderness between the mountains and the great river into populous States, and when the impulse to growth and the new need of the young country to expand and gather strength were to make the presence of the Spaniard on the Mississippi a menace to the welfare and a hindrance to the very nationality of the lusty Federation. Against such an elemental force, the race-destiny which had driven the conquering Saxon from narrow flats of Schleswig over half the world, the mere military hold of so distant a country as Spain upon an alien province could offer no permanent resistance.

As it happened, the provincial officials of Louisiana themselves provided the wedge by which the persistent energy of their rivals finally forced a way. O'Reilly had indeed suggested that the prosperity of the colony would be greater under liberal laws of commerce and trade, but the policy of Spain was against allowing its colonies such independence, and the laws set for Louisiana were especially rigid. In addition to the restrictions already mentioned in connection with O'Reilly's code, the royal schedule published by Ulloa in 1766 was enforced. This order confined the export trade to six Spanish ports, — Seville, Alicante, Carthagena, Malaga,

Barcelona, and Coruna. Trade was to be carried on in Spanish-built vessels, commanded and owned by subjects of Spain. There was no duty charged on exports to Louisiana from the six named ports, nor any duty on goods from these ports entering New Orleans; but the exporting of goods or specie from Louisiana to them was subject to a duty of four per cent. The only foreign trade allowed was the annual entrance of two ships from France. These restrictions had been perhaps the chief cause of Ulloa's expulsion, and the colonists again feared financial ruin. They could not always obtain the goods they needed from the six authorized ports, nor could they dispose of their own wares there to advantage. Louisiana indigo was in no demand in Spain, for a better and cheaper grade was received from other Spanish colonies similarly restricted, especially Guatemala and Caraccas. Furs and peltries had small sale in southern Europe, though in France or England they would have found a ready market. Timber could not be transported so far save at great cost. There was some small profit in exporting tobacco, but this trade also was forced into competition with the supply from the Spanish West Indies. Judge Martin estimates that the indigo trade of Louisiana at this time was worth about $180,000 a year, the trade in furs about $200,000, and that in lumber about $100,000. Fortunately for the colony and unfortunately for Spain, there was a ready market for such wares much closer at hand than the six legitimate ports of the Peninsula. It has already been said that, as soon as the English garrisons had taken possession of the territory ceded by France to England east of the Mississippi, English traders swarmed over the country and English vessels plied the river. Trading-posts, forts, and warehouses had been established at Natchez, Baton Rouge, and Manchac, and vessels from Baltimore, Philadelphia, New York, Boston, and England brought constant cargoes and took away again in clandestine trade all the

produce that should have gone to the six legally designated ports. A few goods were sold to the two French vessels that came once a year, and about $15,000 annually went to Havana for sugar-boxes, but the rest of the trade and the specie was snapped up by the English and Americans. This contraband trade was finally carried on with only a faint pretense of secrecy. Large boats fitted up as warehouses and stores, with shelves and counters, floated up and down the river, stopping at all important plantations. Just above New Orleans, where these shops tied up, the traders held a perpetual fair; the English and Americans soon controlled the slave trade also.

Unzaga was wise enough to see that the colony would have been ruined but for this trade, and discreetly closed his eyes to the brazen infraction of law. Trade hummed busily, and prosperity flowed into the contented province. Many of the new-comers, too, purchased lands and settled in the Spanish territory with their families and slaves, and the foreign merchants established offices and agents in New Orleans.

Unzaga's administration was thus peaceful and uneventful. In 1776 he was appointed Captain-General of Caraccas, and left the colony, deeply regretted and loved by the people, whom he had completely won by his wise and just administration of the laws and by his constant consideration for their welfare. No governor was immediately appointed in his place, and the office was temporarily intrusted to Bernardo de Galvez, the young colonel of the Louisiana regiment. Galvez was at this time but twenty-one years of age, but his brilliant ability, backed by determination and ambition, and fired with enthusiasm and impetuous activity, had already given him something of the admiration and confidence of the people, which afterwards aided him to play so honorable a part in the struggle which Spain was soon to share. Moreover, his high rank gave him influence,

power, and importance, even before he had won them by the force of his own personality; for his uncle, as president of the Council of the Indies, was perhaps the highest official in Spain after the king himself, and his father viceroy of Mexico. Galvez assumed the duties of governor in January, 1777, and it was fortunate for Spain that just such a man as this should represent her at this time, for the affairs of the English colonies of North America had now reached such a crisis that Spain and her provinces of Louisiana and Florida could not avoid being drawn into it. When the Thirteen Colonies on the Atlantic coast had declared their independence of England, the sympathy of France was with them, and her aid was prompt and at least partly inspired by this feeling. The attitude of Spain towards the revolutionists was different from that of the people of France, but was strongly influenced in their favor both by her alliance with French interests and by her hereditary hatred of England and desire to aid in weakening that power. Her part in the war was undertaken solely for her own gain, chiefly in the hope of recovering Gibraltar from England, and her assistance would have been of little direct benefit to the cause of the struggling States had it not been for the part which her colony of Louisiana played in the great contest. The honest sympathy of the people of Louisiana was plainly and strongly with the revolted colonies. Not only had the contraband trade brought them into friendly and close relations, but the people of Louisiana had long begun, though only half consciously, to feel that they themselves were Americans, and that the interests of the whole continent were destined to detach themselves from those of Europe and to depend upon some ultimate unity. Their own attempt at self-assertion, though premature and abortive, had not been without its influence upon the thoughts and temper of the people. The eager, generous blood of France had given the Creoles of Louisiana hearts that could respond

to the heroic bravery of the new country, and their isolation had given them also a character in which the new life in the wilderness had bred a similar spirit of independence and love of liberty. As has been said, there were in New Orleans a considerable number of merchants from New York, Philadelphia, Baltimore, and Boston, and these men, notably that same Oliver Pollock to whom O'Reilly had granted special privileges, busied themselves in sending supplies and ammunition from New Orleans to Pennsylvania. In this business, the people of the colony were prompted to aid by sympathy for the revolutionists, and the officials were encouraged by the attitude of Spain to offer from the outset a tacit assistance and encouragement. This and the fact that in 1776 trade between Louisiana and the French West Indies had been allowed, took away the trade from English vessels and gave it all to those of France and the Atlantic States. The presence of two French commissioners of commerce — Villars and D'Aunoy — in New Orleans brought the people into yet closer sympathy with the Revolution. Galvez exceeded his authority by even seizing eleven loaded English vessels engaged in the contraband trade on the Mississippi.[1]

The revolutionists, too, were not ignorant of the importance which Louisiana might have in the contest. During this year Captain Willing of the Continental Army visited the English settlements in an unsuccessful attempt to induce them to revolt, and boats were sent down regularly from Fort Pitt by river for the supplies and munitions of war which Pollock and his associates were industriously concentrating in New Orleans. In a correspondence between Galvez and Col. George Morgan, stationed at Fort Pitt, occurs the first suggestion of an attack upon the British forts in the Floridas, and the American asked the assistance of the Spaniards in forming an army in Louisiana for that purpose. Galvez, how-

[1] See report of Villars and D'Aunoy, 26 April, 1777.

ever, had no desire that an American army should obtain a footing within his territory, nor did he intend that any other country than Spain should gain possession of the Floridas. He at once informed the Court of Madrid of all these things, and, while waiting for instructions, endeavored to put New Orleans in a state of defense. In addition to this, he built four gunboats for use on the river, obtained plans of Mobile and Pensacola, and kept agents among the States of the new federation so as to have early notice of any move which that government might make. His ardor to attack was held in check for some time longer by the Court, and he was forbidden to provoke actual war with the English. He had, therefore, to content himself with assisting the Americans with money, as he did to the extent of $70,000, to maintain their hold on Kentucky. He foresaw none the less clearly that Louisiana would be drawn into the war, even though Spain hesitated to take part for diplomatic reasons. Already the Americans showed what appeared to him a dangerous eagerness to enter the territory which he hoped to wrest from England for his own country. Captain Willing, with a small force recruited partly from New Orleans, plundered the plantations of British settlers on the eastern bank of the Mississippi and took Fort Manchac. Galvez looked upon this action with disfavor, not only on account of its interference with his own ultimate plans, but also because Willing's operations had been directed against neutral and peaceable settlers, and because the people of Louisiana, in spite of their sympathy for the Americans, were incensed, as Martin says, at Willing's "cruel, wanton, and unprovoked conduct towards a helpless community," more especially as he had been hospitably received the year before at some of the very houses that he now plundered and burned. The young governor must also have felt some uneasiness at the thought of a possible attempt of France to force a recession of Louisiana to herself, as was plainly indi-

cated by the correspondence between the French commissioners in New Orleans and the home government. He therefore endeavored to popularize the Spanish domination in Louisiana by allowing yet more trade concessions than had been granted hitherto. In 1778, with the consent of the Court of Madrid, trade was permitted between Louisiana and all ports of France, Spain, the colonies, and the States. The exporting of furs and peltries was relieved of all duties for a period of ten years. Immigration into Louisiana was encouraged, and settlers were established in St. Bernard, on the Bayou Lafourche, and in west Baton Rouge, chiefly the five hundred Spanish subjects sent from the Canary Islands. With equal solicitude, the government forbade the inhabitants to receive certain French books, Robertson's "History of America," and other literature deemed likely to influence them against Spain, and certain Americans who were considered dangerous were sent out of the colony.

Events in Europe now hastened on the progress of circumstances which Galvez wished to provide him with the opportunity of carrying out his ambitious plans. France had already acknowledged the independence of the United States and had become involved in war with England. Spain had offered to mediate between the disputants and had suggested a meeting of peace commissioners at Madrid. But England had refused to negotiate or to meet the delegates of the United States as representatives of an equal power. Spain, therefore, chiefly in the hope of regaining Gibraltar, had declared war against England in June, 1779. Her American colonies were authorized to make war, on the grounds that England had sought to indemnify herself for territorial losses by encroachments upon Spanish possessions and by inciting the Indians of the Floridas. Young Galvez had long been eager to take part in the war. His plans had been laid. He had studied the ground, and had found what he hoped to be an opportunity whereby Spain might re-

gain her lost territory and perhaps increase it. The importance of the plan which he had formed, the importance of the aid which he was to give to the cause of American independence, and the influence which his conquest was to have upon the subsequent territorial expansion of the United States, require that the situation should be clearly stated and the working out of the plan detailed to some extent.

By the treaty of 1763, England had come into possession of all the territory east of the Mississippi except the town of New Orleans. George III had attempted to reserve as crown lands the vast tract bounded by Canada on the north, the Alleghany Mountains on the east, the parallel 31° of latitude on the south, and the Mississippi on the west. Emigration from the Atlantic colonies into this uninhabited district had been forbidden, but the prohibition had not been heeded. Settlements had been rapidly made within the areas of the present States of Kentucky, Tennessee, and Mississippi. At the beginning of the Revolution, the Virginia militia had made several raids along the Ohio, seized the territory from the small British garrisons, and taken possession by a regiment under Col. George Rogers Clarke. By act of the General Assembly of Virginia, this district had been made a part of that State, under the name of the County of Illinois. North Carolina had similarly established a county west of the mountains. Here the American arms had been successful.

In the eastern part of the country, however, the year 1780 opened with gloomy prospects for the American insurgents. In the south, their unsuccessful attack upon Savannah had been repulsed and Howe's campaign against the British of East Florida had been unsuccessful. At this time, Spain's declaration of war had suggested to the British government the necessity of attacking New Orleans and reducing the Spanish posts throughout the Mississippi Valley, thereby cutting off the Americans

from support in this direction and completely flanking them, besides immeasurably strengthening their own position and redoubling their own resources. General Haldimand, then in Canada, had received orders to carry out this plan. The practical direction of the undertaking was intrusted to Lieutenant-Governor Sinclair at Michilimackinac, in cöoperation with General Campbell, then stationed at Pensacola. In February, 1780, he collected a large party of Sioux and ordered them to go down the river to Natchez. Other bands were to be sent "to amuse Colonel Clarke at the falls of the Ohio," and keep him from interfering with the capture of St. Louis, St. Genevieve, and the other Spanish posts along the river. General Campbell, meanwhile, was ordered to take a fleet and army up the Mississippi through the Passes, capture New Orleans, and effect a junction at Natchez with Sinclair's force of Indians. This force was large and powerful, and Clarke would scarcely have been able to cope with it, had not an unexpected blow been struck at the very root of the enterprise. By intercepted letters, Galvez had learned the full details of the plan as early as Sinclair himself,[1] and had already urged his council of war to consent to an immediate attack upon the British up the river. The council had not agreed with him in this plan, but after he had received intelligence of the extensive preparations being made to capture New Orleans and join the forces descending the river, he again called a council of war and again submitted a plan of attack. Nevertheless, he could get the council to support him only in defensive measures. Thus, without the support of his council, and without authorization, he was forced to make his preparations under cover of defense and rely upon some turn of affairs to give him the opportunity which he sought. Spain had declared war in June, 1779, and from that time Galvez had pushed forward his plans with all possible haste. In August of the same year,

[1] Gayarré, *Spanish Domination*, p. 122.

however, a hurricane suddenly swept the valley, destroying the crops, killing cattle in the fields, blowing down houses, and wrecking even much of the shipping in port. All of the boats which Galvez had collected in the river and by which he had hoped to send his troops against Natchez were beaten to pieces and destroyed, except the frigate El Volante. This was indeed a heavy blow to the ardent hopes of the young commander and a most serious check to his plans, but with characteristic energy and impetuosity he set to work to repair at once the damage as well as might be, and kept his officers day and night at the work of scouring the country for boats of any description that might have escaped the wind.

It will be remembered that Galvez had not yet been appointed governor of Louisiana, but had been serving merely *ad interim.* His commission now reached him while his preparations were being hurried forward. He thought best to conceal the knowledge of his appointment from the people until he could make an appeal for their support, which would not be likely to meet such a refusal as had been given him by his council. Meanwhile he succeeded in raising three of his sunken gunboats and mounting on them his little battery of ten small pieces and his stock of ammunition. He then called a public meeting of the people in the Place d'Armes, read them his appointment, and told them of the attack which the British contemplated. Seizing then the dramatic moment, he told them that he could not accept the office in such a crisis unless he felt that he had their support and that they would follow him with all the trust and courage which he demanded.

His enthusiasm, his popularity, and the direct influence of his eager personality drew from the people a quick response, and amid their cheering and pledges of devotion he publicly took the oath of office. So great had been his activity in remaking his preparations that, by the 27th of August, 1779, he had gathered, ready for

action, his little army of 170 trained soldiers, 330 volunteers, 20 carabiniers, 60 of the New Orleans militia, 10 American residents who had enlisted, Pollock among them, and 80 free blacks and mulattoes, — in all 670 men. Still deeming it advisable to conceal his real purpose, he announced that he intended to post this force at points where he expected attack. Immediately after setting out he was joined by 160 Indians and 600 volunteers from the parishes. He now had under his absolute control a force of something under 1500 men, but most of them were poorly equipped and unaccustomed to the hardships and exposure of a campaign through a marshy country, and the force was sadly diminished when, on September 6th, they reached Fort Manchac. Nevertheless, when Galvez now exposed to them his full plan of anticipating the British and capturing their forts along the river, the little army responded with all the eagerness he could desire, captured without opposition the small garrison at Manchac, and pushed on at once against Baton Rouge. This place was ditched, walled, and defended by a force of four hundred regulars and one hundred militiamen, with thirteen pieces of heavy artillery. Galvez was joined here by a small reinforcement under De Grandpré, which had just captured two small British outposts on Thompson's Creek and been engaged in cutting off communication between Baton Rouge and Natchez. Galvez lost no time in throwing up trenches and planting batteries. This he managed to do to such advantage that, after a brisk bombardment, he had the place at his mercy. The surrender of this fort comprised also that of Fort Panmure at Natchez. In addition to these successes, the Spanish boats on Lake Pontchartrain and in the Mississippi captured eight small British vessels.

The campaign had been successfully brought to a close. Three forts had been taken by his quick action and skillful generalship, almost without loss of life. Five hundred and fifty-six regulars had been captured,

besides many militiamen and a considerable number of negroes. Yet Galvez found himself in a peculiar predicament. He had not sufficient men to guard his prisoners, and was therefore compelled to dismiss many of them at once. Furthermore, after garrisoning the captured forts he had but fifty regulars to defend New Orleans and control the greatly superior numbers of prisoners that roamed the streets on parole. Many strange Indians, too, swarmed into the town or camped in the vicinity, attracted by curiosity and the news of war. Galvez, no doubt, passed an anxious time until, in October, reinforcements came from Havana. In reward for this enterprise, Galvez and his second in command, Gonzales, were made brigadier-generals, the officers and men received high praise and honor, and Julien Poydras celebrated the conquest in a small heroic poem printed and circulated by the government.

The way was now prepared for the more important attack upon Mobile and Pensacola. Preparations were pushed forward with such good speed that on February 5, 1780, Galvez left the Balize in a small fleet with two thousand men. In the Gulf he was struck by a squall. Some of the boats were disabled and stranded, and a considerable portion of his supplies and ammunition was damaged. After being exposed for some time to great danger, he finally succeeded in making land east of Mobile, but in such confusion that an attack then might have been fatal to him. He now found himself between the two forts, and at such disadvantage that he was compelled to take Mobile lest he should be attacked in the rear from Pensacola.

After overcoming the brave resistance of the British, he took the place on the 14th of March, 1780. He applied at once to the Captain-General at Havana for sufficient troops to attack Pensacola. Failing to get more than promises, he went himself to Havana, raised one force which was completely disabled by a storm, organ-

ized a yet stronger armament, and laid siege to Pensacola in March, 1781. In spite of the unwillingness of his naval allies from Cuba, he succeeded by his own personal bravery and skill in getting his vessels into the harbor, and invested General Campbell in Fort St. George so vigorously that the place was compelled to capitulate in May.

In the mean time, while Galvez was so brilliantly striking at the root of the British scheme to capture the Mississippi Valley, the large force of Indians which Sinclair had ordered to descend the river and form a junction with Campbell after he had taken New Orleans, had set out to fulfill their part of the plan. On May, 26, 1780, a party of fifteen hundred Indians and one hundred and forty English led by the Sioux chief Wabasha reached the little post of St. Louis on the Missouri. This large force made a surprisingly feeble attack, killed a few settlers outside the walls, and then suddenly retreated northward — their appearance and disappearance being equally puzzling not only to the people of St. Louis but to historians as well. All is plain, however, when we know that this invasion was but a part of the larger plan which the activity and ability of Galvez had already defeated. It is known, also, that Colonel Clarke had received information similar to that gained by Galvez, and it appears almost certain that, instead of allowing himself to be "amused near the falls of the Ohio," as Sinclair had intended, he was within easy call of St. Louis and was ready to coöperate with the Spaniards there. It was the sudden knowledge of Galvez's success in driving the British utterly out of the Mississippi Valley that had made the horde of savages post back so suddenly and inexplicably.

In this manner was the grand scheme for the conquest of the Mississippi Valley brought to nothing, and thus the Illinois country, deserted by the feeble American Congress, had been saved from invasion, and the States

relieved from exposure all along their western and southern frontier. Some British settlers in the neighborhood of Natchez did indeed capture and hold that place while Galvez was occupied with Pensacola, but the news of his success had caused them to abandon the fort and leave the country with all possible haste.

Such, in brief, was the highly important part which the Spaniards of Louisiana played in the American Revolution. Galvez's successes made it possible for the new country to hold its territory intact from Canada to Florida, and from the Atlantic to the Mississippi. Had the English expedition succeeded, Great Britain could have set up a claim to this territory when the western boundary was fixed several years later at the declaration of peace. In view of their actual development, it is impossible to predict what would have been the future of the United States without access to the Mississippi Valley and with two foreign nations upon their western border to confine them between the Alleghanies and the Atlantic.

CHAPTER VII

LOUISIANA IN INTERNATIONAL DIPLOMACY

RETURNING from his victorious campaign, Galvez had to face other and more serious problems. The real destiny of the colony was soon to be unveiled. For the present, commerce, crippled by the war, was inactive, and the industrial life of the province was temporarily stagnant. For its encouragement he advocated absolute freedom of trade with all the world, encouragement of immigration, and development of the extraordinary advantages of this favored land. But this was not done. The wise plans of the young governor were not those of Spain, nor was the destiny of Louisiana to be what he would have made it. A new power and a new set of conditions were now to be reckoned with.

By the treaties signed at Paris in 1783 between England, Spain, and the United States, England yielded both the Floridas to Spain and ceded to the United States that territory which George III had hoped to retain as crown lands, that is to say, the present States of Ohio, Indiana, Illinois, Kentucky, Tennessee, Alabama, and Mississippi. The western boundary of the United States, therefore, touched that of the Spanish possessions down the course of the Mississippi to the 31° latitude; thence the southern boundary ran eastward along the 31° to the Apalachicola or Chattahoochee, thence down the middle of this stream to its junction with Flint River, thence to the head of St. Mary's River, and down the St. Mary to the Atlantic. Article 8 of the definitive treaty granted to the subjects of Great

Britain and to citizens of the United States the right of free navigation of the Mississippi from source to mouth. Spain, however, had no intention that the treaty should go into effect to its full extent. In fact, from her entrance into the war her attitude had been far from conciliatory, and she showed small love and great distrust towards the new country. War had finally been undertaken only after the United States had formally consented that Spain should have the Floridas. Moreover, while the war was yet in progress, Spain refused to grant free navigation of the Mississippi to the Americans, on the ground that they had no territory along its banks, and France, through her Minister Gérard at Philadelphia, had taken a leading part in these negotiations and had influenced Spain in her refusal. At this time Spain had the evident intention of wresting from England all the territory lying between the Mississippi and the Alleghanies and annexing it to her own possessions. Congress did not intend to tolerate such aggression, and instructed John Jay, their minister at Madrid, to push their claims to more favorable conditions. At the beginning of the year 1781, the outlook for the United States had been gloomy; the British controlled most of the southern portion of the country; the army was unpaid, starved, and discontented; the French allies had not yet been of such assistance in actual battle as had been hoped; and Spain had demonstrated her ability to seize and hold the territory at the south, to which she laid claim. Moreover, she had not yet formally recognized the independence of the United States. The minister at Madrid was therefore instructed by Congress to relinquish the claims to the navigation of the Mississippi below the 31°, on condition that Spain acknowledge their independence. Spain was now doubly assured by Galvez's successes, and not only refused to make at that time any trade concessions to the United States, but declined to make any final decision or formal acknowledgment.

Jay had the spirit to warn the court, upon their refusal to negotiate, that the United States now withdrew their offer to relinquish their claims upon the navigation of the lower Mississippi, and would later push those claims when the opportunity arrived. He left Madrid in June, 1782. The truth was that Spain did not wish to acknowledge the independence of the United States, as she hoped, by prolonging the war, to weaken England the more and finally recover Gibraltar. Indeed, though the Americans were in no position to see it, the war, so far as England and the United States were concerned, was practically settled, and was now being conducted solely for the benefit of Spain. This was evident to France, but, on account of the Bourbon family alliance, she was inclined to assist Spain in putting off the final peace negotiations. Thus plunged at once and without experience into the entanglement of European diplomacy, the United States was in a condition of uncertainty, and caution was a necessity. When peace was finally arranged, however, and England ceded to the United States all the territory which Spain had hoped to get, except the Floridas, Spain was temporarily forced to submit to these conditions and to allow the navigation of the Mississippi, especially as the welfare of her own colonists in Louisiana and the recommendations of Galvez indicated this necessity. Nevertheless, Spain did not withdraw her troops from the east bank of the river, and closed her Mediterranean ports against vessels of the United States. England also excluded the Americans from trade with her West Indian possessions except in English vessels. John Jay was Secretary of Foreign Affairs when, in 1785, Spain sent Don Diego Gardoqui as her first minister to the government at Philadelphia. The merchants of the North Atlantic States were in distress over the restrictions laid upon their commerce, and were clamorous for Congress to take measures for their relief. Jay was moved thereby to attempt to form an

agreement with Gardoqui whereby the Atlantic merchants were to be appeased by trade concessions in the Mediterranean and elsewhere, the Southern States satisfied by the abandoning of the Spanish posts east of the Mississippi in the territory ceded to the United States by England, and Spain bought off by the United States' relinquishing for twenty-five years all claim to navigate the Mississippi below the 31°. This would have been a sacrifice of the interests and welfare of the southwestern States to the merchants of the North Atlantic seaports, and great opposition was made when Jay's proposition became known; and though Congress took no action upon the suggestion, the West got the impression that the national government was hostile to their distant interests, and that they would have to rely upon their own independent action for redress. Petty acts of hostility were committed along the frontier. The Spanish seized an American vessel near Natchez, and the Americans retaliated by capturing Spanish merchandise at Vincennes. Congress was powerless to remedy matters; the Union had not been formed and the States gave the so-called National Government no authority. The discontent in the West was so evident that the Spanish now sought to take advantage of it to detach that territory from the yet unstable federation, and began the series of intrigues which finally resulted in the loss of their own possessions, but which kept the whole country in a state of dread and uncertainty, and finally ended only with the failure of the schemes of Aaron Burr. The first suggestion, definitely made, to detach the western territories from the American confederation seems to have come from McGillivray, a half-breed chief of the Talapouches, who proposed such a scheme early in 1784 to the Spanish in Florida.[1] Galvez had now been appointed Captain General of Cuba, Louisiana, and the Floridas, and Estevan Miró was acting governor. He

[1] See Gayarré, *Spanish Domination*, p. 158.

saw the advantage of at least retaining the alliance of this far-sighted chief, flattered him with a commission as "commissary-general" of the Talapouches, gave him a monthly salary to hold him in the service of Spain, and called a congress of natives at Pensacola to further cement the friendship. He also called a meeting at Mobile of delegates from the Chickasaws, Alabamas, and Choctaws, entertained them, gave them presents, and made alliances, confirming them in the possession of their lands.

There was need for the future governor to seek to strengthen his position. Again the home government was interfering by stupid legislation with the prosperity of the colony. Trade had been suddenly interdicted, foreign vessels had again been forbidden to enter the port of New Orleans, and commercial life had ceased. Miró did what he could. By kindness, justice, and good nature, he won the esteem and devotion of the people; he made whatever improvements in the city were within his means; he established the first hospital for lepers and removed these terrible beggars from the streets; and he prayed the Court of Madrid not to inflict the colony with worthless paper currency nor to discourage its promising commerce by closing its port to profitable trade and shutting up the commercial houses that were fast making New Orleans a place of importance. But the Court of Madrid persisted in its stubborn policy of antagonizing the growing West, weakening its own colony, and diminishing its powers of resistance by restraining its growth. Miró was ordered to prevent the Americans from gaining a hold upon the country around Baton Rouge and Natchez. In April, 1786, he was instructed to form Natchez (and other places where it could be done) into parishes, and some Irish priests were sent out as a most generous concession to the English-speaking inhabitants. But the Saxon settlers and pioneers were not to be so easily disposed of as the Court of

Madrid seemed to fancy. From the time he received his commission as governor till he resigned, worn-out and, no doubt, discouraged, Miró was continually striving to beat back the American advance guard, and to meet it and break it by intrigue. In 1785, Georgia had sent three commissioners into the Mississippi territory to claim it and demand its surrender, which Miró refused.[1] For the present, at least, he felt that he could defend the claims of the crown, while the Westerners besieged Philadelphia with appeals and complaints. Spain saw nothing to fear from the almost powerless Congress, but the Spaniards in Louisiana could see the danger which lay ahead. The Spaniards likewise inherited the former French troubles in keeping the Indians upon their side. The savages naturally liked the cheaper and better goods which the English traders had furnished them. In order to hold them in good humor, the Spaniards allowed William Panton of Pensacola and James Mather of Mobile to import goods from London for the Indian trade for a time, though the Court of Madrid saw fit to withdraw these concessions. On the Mississippi, Miró, attempting to offset the effects of his government's dull obstinacy in the only way that lay in his power, disregarded to a great extent the laws made on the other side of the Atlantic, relaxed the restrictions on trade as much as he dared, allowed American families to settle within Spanish territory, and sought to permit the colony to gain some of the prosperity that could come to it only through open trade; for he saw at once, as any clear-minded man on the spot could see, that Louisiana would go to ruin, were its trade limited to Spain alone. Under his lenient interpretation of the law, commerce again flowed into the colony, especially from Philadelphia by sea and from Kentucky by the river. Nevertheless, although the people of Louisiana were eager for trade with the United States, and although the governor

[1] MS. letter of Miró to the Commissioners, September, 1785.

allowed the law of Spain to be disregarded, now and then a small cargo of goods was seized by some official, and the temper of the Westerners thereby kept at boiling point. Miró made energetic attempts to turn this discontent against the United States, and in his own favor.

The present condition of the western territories was favorable for success of the intrigues which he began in 1787. The western portion of the United States, the newly acquired wilderness lying west of the Alleghanies, was not within easy communication with the eastern; it had been settled under conditions which fostered a spirit of the most absolute independence, not to say lawlessness; and, as the interests of its people seemed to be so opposed to those of the eastern portion of the federation, the people felt a distrust of the Congress to which they had appealed in vain for aid, and were ready to take matters into their own hands now that they had grown in numbers and strength. Tennessee had been cast off by North Carolina in 1784. The Federal government had been powerless to organize this territory, and the settlers had formed the independent State of Frankland, with John Sevier as governor. After great disorder and misrule it had fallen to pieces, leaving the people in a discontent that boded no good for the strength of the new country. Kentucky had demanded separation from Virginia and admission to the Union as a separate State. After several conventions, composed chiefly of delegates from the militia companies, — the only organized body in the West, — a petition sent in 1785 had finally been accepted by the Virginia Assembly on condition that a new convention of the people of Kentucky should declare for separation, and that the Federal government should admit the territory to the Union.

The Federal government was slow to assume the responsibility, which it preferred should rest with the State of Virginia, for it was without power, especially in the West.

One may easily appreciate the timorous hesitation which Congress showed to take up the critical problem which Kentucky presented at that time; for the British still held posts within that territory, and kept the Indians in a state of hostility, and the Spaniards hovered upon the border eager to foment discord. But to the Kentuckians, the delay of Congress to aid them in establishing a strong local government in the face of these dangers was taken as a sign of hostility, and many of the people believed that they were to be sacrificed by the Federal government to the interests of the East and North. The Kentuckians were never of a patient temper, and the whole territory was roused to the necessity of doing something for itself. Many opinions, however, prevented agreement or decision, and served merely to increase the disorder. Some were for forming an independent republic in alliance with Spain; some wished to submit to Spain and incorporate Kentucky as a part of Louisiana; some wished to appeal to France for aid; others wished to form a volunteer army to capture New Orleans and force the Spaniards to grant them the right of trade and the use of the Mississippi as the only outlet for their produce; and, finally, the more conservative wished to concentrate all efforts upon inducing the United States to force Spain to terms by a show of war.

Among all these wrangling factions there was but one party organized and capable of united action, — the militia, — and the chief influence over that party was controlled by James Wilkinson. He had acquired a practical knowledge of the whole situation, and had used all his powers to induce the people to distrust Congress and deal with the question after methods of their own choosing. He was so far successful that in 1787 he was ready to begin his independent investigations of the Spanish question. In this year he loaded a flat-boat with a cargo of tobacco, flour, butter, and bacon, and started down the river to New Orleans. It is impossible to say what his real motive

was in this enterprise, for he was a fisher of men, who baited his hooks for any catch that might rise to his lures. It seems little probable that his object was simply to trade. One is inclined to believe that he took this means of getting in touch with the Spanish for the prosecution of the large schemes which he afterwards broached to Miró. However, he may have intended to provoke the Spanish to seize his goods and thereby provide a tangible excuse for leading a party of filibusters against Louisiana. At all events, this was what the Spaniards feared. Wilkinson's importance was well known, and he was allowed to pass Natchez unchallenged. At New Orleans the revenue officers seized his boat, but a merchant went at once to Miró and told him that Wilkinson and his cargo had been sent merely in order that their arrest might give an excuse to the wild "Kentuckians" to swarm down the river and capture the city.

At this time, and for long afterwards, the Creoles and Spanish of Louisiana had a peculiar idea of the nature of "Americans." Except for a few merchants from the northern cities, they knew only the rough flat-boat men of the upper Mississippi, and to their minds the people of the West, known under the generic name of "Kentuckians," were a barbarous people without polish or civilization, — men who swore and spat mightily, drank deep and shot straight. The numbers and fierceness of these men had been exaggerated by rumor, and many of the people, not excepting the governor himself, had a nervous feeling that if the Westerners knew the real weakness of the Province they might be tempted to capture it. Miró therefore ordered Wilkinson's cargo released, allowed the goods to be sold, and gave the owner a friendly interview. This talk served to increase the governor's nervousness, for Wilkinson begged him not to put himself in danger by refusing to obey the laws of his home government, but to seize the boat and cargo if the law so ordered. This magnanimous spirit of self-

sacrifice completely convinced Miró that Wilkinson really desired the seizure of his goods as a pretext for hostilities. He questioned Wilkinson closely about Kentucky, its people, and their intentions, though he must have gotten small satisfaction if the American was then as shrewd as he was in later years. He exerted himself to win Wilkinson's friendship, promised to do what he could in removing restrictions upon the river trade, and hoped that the Westerners might be convinced of the real friendliness of the Spaniards of Louisiana to their interests. In this he was more successful, for Wilkinson seems to have unbosomed himself to Miró and struck hands with him over a bargain for more important goods than tobacco and flour. He gave the governor a written memorial, assuring him "from a heart that cannot deceive," that Kentucky was on the point of seceding from the Union, and that Great Britain was ready to aid the people to secure free navigation of the river in return for their help in driving out the Spanish.

What hope Wilkinson held out to Miró that the Spaniards might have from the discontent of the West with the government of the United States does not appear at once, but close relations and a long correspondence were established between the two during that visit to New Orleans. Gardoqui, the Spanish minister to Philadelphia, had meanwhile begun to interest himself in the same question. His plan was to induce immigration from Kentucky to Louisiana and West Florida. Under his auspices Col. George Morgan had founded the settlement of New Madrid, and he now sent an agent, D'Argès, to New Orleans to order Miró's coöperation in his immigration schemes. Miró, however, saw the futility of the minister's plan to disintegrate Kentucky by luring away its people. For other reasons, also, he could not approve of this scheme, for he seems already to have committed himself to some secret agreement with Wilkinson.[1]

[1] Gayarré, *Spanish Domination*, p. 198.

He had no desire to allow too extensive an influx of Americans into the territory, nor did he now wish to grant them so many privileges as would remove their discontent, for upon this he wished to work in the hope of detaching them from the United States. However, he was compelled for the present to favor certain persons and allow other traders to do as Wilkinson had done. His people were more than willing to receive the benefits of trade, and the officials were appeased by a regular share in the profits. Affairs were running thus when Gardoqui, who, as he had no share in the gains of the game or part in the larger intrigues, could afford to consider his duty to the crown, reported to the Captain-General of Cuba and Louisiana the names of a number of vessels and their captains engaged in the illicit commerce and warned that official that he had also informed the Court of Madrid. The startled officials were now compelled to arrest the surprised captains and confiscate their vessels and goods. Some favorites, however, were warned off in time to escape arrest, and many of those actually arrested were let go after a short imprisonment and were reported as run away or dead. Moreover, even these rigorous measures lasted but a short time, for accident intervened to turn aside even the policy of Spain.

On Good Friday, 1788, a taper burning on the altar of a chapel in the house of Don Vicente Nunez,[1] in Chartres Street, set fire to some of the draperies and rapidly consumed the whole building. A strong south wind was blowing and carried the flames from house to house, until the greater portion of the town was ablaze. When the fire first broke out, the priests of the parish church refused to allow the bells to sound the alarm, on account of the solemn day of mourning which the church was observing. The conflagration consequently gained such headway before the people were fully roused to the danger that all attempts to check it failed. Over eight

[1] Military treasurer of the colony.

hundred buildings were destroyed within five hours, including all the stores, the most important residences, the church itself, the town-hall, the convent of the Capuchins, the guard-house, the magazines, and the prison. For that night and the next, hundreds of people remained shelterless in the ruined streets, many without food or sufficient clothing. The government stores were at once thrown open and more than seven hundred people supported at public expense, till relief came from Cuba and St. Domingo. Miró won the praise and love of the people by the kindness and energy with which he labored for their comfort, especially in providing a little city of tents for the houseless ones who could not find shelter in the crowded houses that remained. Vessels were at once sent to Philadelphia with twenty-four thousand dollars for the purchase of flour, and trade was opened with Kentucky to supply the failing public stores. All restrictions were at once abolished in the face of the great necessity of the people. The rebuilding of the city began at once under the active encouragement of the governor. But such a loss, almost three million dollars, had crippled the city, and the efforts of the people and their governor would not have met such prompt success, had not the first philanthropist of the city come forward with powerful aid. Don Andres Almonaster replaced the Spanish school-house, the first public school of the city, he rebuilt the parish church, and replaced the old hospital founded by the sailor Jean Louis by a new building, the present Charity Hospital of St. Charles, at a cost of one hundred and fourteen thousand dollars. He also built the present Cabildo house and a convent for the Capuchins alongside the church. The old French buildings of wood and brick were now replaced by Spanish styles of stone, brick, and stucco. On St. Peter Street near Royal, behind the church, Miró erected the Spanish calaboza, a grim structure, with cells and dungeons and a huge iron gateway closed by those massive Spanish locks whose

workmanship is to-day a matter of such curiosity. A new arsenal was put up in St. Anthony's Alley and a new wooden custom house on the site of the present building. The first picturesque arcades of the "French" market were also begun a little later. A new government house was also erected in Toulouse Street near the Old Levee. The dwelling-houses, too, were Spanish in construction. Now grew up that picturesque quarter of houses with dark, cool corridors, jealously shut courtyards, mullioned windows, massive doors, and wrought-iron balconies that make to-day this portion of the city unique in the United States.

The crisis had again brought up the old question of trade relations with the rest of the Mississippi Valley, proving yet more forcibly that nature had bound together with common interests and interdependence the inhabitants of the vast territory watered by the great stream, whether French, Spanish, or Saxon. Wilkinson was again in Kentucky attempting to hasten its separation from Virginia and assuring the Spanish that such separation would lead to ultimate secession from the United States. Under cover of another cargo of merchandise, in charge of Major Isaac Dunn, he sent further confidential messages to Miró, assuring him that Kentucky would become a State in January, 1789, and that he had taken a number of prominent men into the "great scheme," especially Col. Alexander Bullitt and Harry Innis, whose political designs agreed entirely with Miró's. He anticipated no opposition from Congress, for that body, so he said, lacked both money and power. This year (1788) the Intendant Navarro returned to Spain, and there began to urge the government to follow up the opening which Miró had made through the agency of Wilkinson. In order that Miró might remain unhampered in the contemplated negotiations, Miró was intrusted with the office of Intendant as well as Governor, and no one was appointed in Navarro's place. Miró had

tried, probably at Wilkinson's suggestion, to keep Gardoqui out of the game; but now under orders from Count Florida Blanca, Gardoqui sent his agent, D'Argès, to Miró for service in Kentucky similar to that which Wilkinson was supposed to be performing. Miró, fearing to interfere with the plans of Wilkinson, and perhaps unwilling that Gardoqui should have any part in the success for which he hoped, detained the surprised and impatient D'Argès in New Orleans upon different pretexts, and wrote to Blanca protesting against intrusting a second agent with Wilkinson's plans. In November, 1788, Oliver Pollock brought the news that John Brown, representative of Kentucky in the Virginia Assembly and delegate from that body to Congress on the Kentucky question, had informed him that Congress was not likely to admit Kentucky to the Union, and that, as this was against the wishes of the people, Brown had promised to use his influence in persuading them to join the Spaniards.

Several months now passed without further developments. Wilkinson's method in keeping the intrigue in his own hands solely and under the greatest secrecy now appeared, for in February, 1789, he wrote Miró a letter which to the reader of the present day bears evidence that the wind was changing. He had found, he wrote, that the *opposition* to his plans was stronger than he had at first supposed, and that decided action must be postponed for a time; that the "fear and folly" of the people had prevailed, and the Danville convention of July had done nothing but consent to wait upon the pleasure of Congress; but that he felt sure of ultimate success, since only two men of any prominence, Colonel Marshall and Colonel Muter, opposed him, and that the certain failure of Congress to regard the interests of the West would inevitably turn the feelings of the people to Spain. He now suggested that Miró should reinforce the restrictions upon the river trade and that the Span-

ish embassy at Philadelphia be urged to influence Congress to relinquish any claims upon the Mississippi that might be made in behalf of the Kentuckians, so that the people would finally be exasperated to break with the Federal government, and might then be completely won by the Spaniards' freely offering them in full the rights and privileges which their own government could not obtain for them. He also harped upon his own important services, the dangers he ran in this service, the sacrifices he had made, and the necessity of employing no other agent than himself. To alarm Miró and magnify his own importance, he asserted that it was rumored that England was ready to give up Gibraltar in exchange for the Floridas and the Island of Orleans. He stated that the British had sent an agent named Connelly into Kentucky to buy up partisans. To this agent he had pretended friendship, won his confidence, and completely gotten his plans from him, but was at a loss to imagine from what source the British agent had obtained such complete information of the plans of Spain. He hinted at treachery somewhere, asserted with circumstantial proofs that D'Argès was a traitor and a French spy, and so exalted himself, discredited other agents, and yet left a loophole for himself to get out by, should he see the necessity of abandoning his Spanish friends. The strange letter ends with an assertion of loyalty rendered in his best style. He stated that Marshall and Muter might be bought over if funds were furnished, but adds that he has already spent $5000 from his own private purse in the cause and that he can afford to go no further, delicately leaving Miró to draw his own conclusions.

Miró seems to have felt some distrust of this man who protested so much and did so little, yet who kept up an active correspondence supposedly full of secret information. On his side, Wilkinson seems to have imagined that, as Miró had received no orders from Spain and that no money was forthcoming, perhaps Gardoqui

had been intrusted with the direction of affairs; therefore, though still writing to Miró as his "dearest friend" and "the man I love," he nevertheless took occasion to write to Gardoqui of his own services in promoting "the political designs which you seem to entertain in relation to this country," and sought to begin a practical correspondence. Incidentally, he sent down a cargo of tobacco to New Orleans and had it sold with Miró's consent.

Thus matters wore on without settlement or satisfaction. In 1789, a new issue was raised. A party of influential men, Moultrie, Huger, Major Snipes, and some others, formed a company at Charleston and purchased from the State of Georgia a tract of 52,900 square miles, extending from the Yazoo towards Natchez along the Mississippi. The Spaniards claimed this territory, and had to be conciliated in some way before settlements could be made. Wilkinson, hearing of the plan, wrote to the company in January, 1790, with his usual protestations of friendship and unselfish interest, and volunteered the suggestion that their scheme would be impossible unless they sent to New Orleans some man of influence and ability to bring about a satisfactory understanding with Miró. He mentioned that he himself had some acquaintance with that official, that he had already taken some steps that might serve their interests, and offered to act as their agent. At the same time he wrote to Miró, reported what he had done and what he knew of the company, and begged for money to pay the people whom he had hired in Kentucky to work for Spain. But the path ahead was not now so clear. Spain had granted permission to export the products of Kentucky through the Mississippi by paying a duty of 15 per cent, and Wilkinson bitterly complained to Miró that the people, since this concession, had ceased to talk of separation from the United States. The truth of the matter was, however, that the final adoption of a Federal Constitution in 1789 and Washington's firm and just adminis-

tration as President had inspired general confidence in the government, even in distant Kentucky. Miró felt distinctly, perhaps through Wilkinson's ill-concealed change of heart, the subtle change that was slowly transforming the sentiment of the discontented Kentuckians; for when Wilkinson, who had been asked by the Charleston company to engineer its business, wrote to Miró of the matter, the Spanish governor put himself at once upon the defensive and announced that under no circumstances could he recognize any claims of Georgia to the territory in question, and that he would prevent by force of arms any settlement attempted without his consent. He had also become tired of Wilkinson's delays and distrustful of his motives, since he had not yet kept a single one of his profuse promises. He therefore wrote to the court of Madrid that it was advisable to put Wilkinson under a regular salary and hold him as a secret agent and nothing more. He also arranged that Sebastian should be regularly paid to play the spy upon Wilkinson himself. In May, 1790, Dr. James O'Fallon, agent of the company formed to settle the Yazoo lands, replied to Miró's refusal that the real plan of the company was to form an independent state there and put it under the tutelage of Spain. Hot upon this letter came an enthusiastic recommendation from Wilkinson, saying that he had interviewed O'Fallon and found that "his plan, his principles, and his designs agree perfectly with ours," but hinted that as O'Fallon was a light character and vain, he should not be solely intrusted with the direction of so important a matter.[1] But Miró was skeptical of the wisdom of taking, as he put it, "a foreign state to board with us," until it should be finally demonstrated that Spain was not able to settle her own territory for herself. He was, moreover, tired of his position, and now saw little prospect of success from the schemes which Wilkinson's optimism had painted for him in

[1] Gayarré, *Spanish Domination*, p. 293.

such rosy colors a short time back. He even petitioned the court to relieve him from the responsibilities of his office, for he must have felt the futility of the task assigned to him. But no successor was sent to relieve him, and while he waited he had the disappointment of watching the first turn of the tide.

War now seemed likely to break out between England and Spain over the settlement at Nootka Sound, and an invasion of the Mississippi Valley from Canada was feared. Such a possibility aroused the United States to action, and the time was considered propitious to force old claims upon Spain. Carmichael, the American *chargé d'affaires* at Madrid, was instructed to demand the right of free navigation of the Mississippi to its mouth for citizens of the United States and even the cession of the Island of Orleans and West Florida, on condition that the United States would allow no encroachments upon the western side of the river nor allow the English to descend through their territory to attack the Spanish in Louisiana. The threat was used that this acquisition of territory might be obtained through the aid of Great Britain. This was indeed turning the tables upon Spain; and though she yet refused to make any concessions, Miró must have felt the humiliation of seeing his province forced to assume an attitude of defense and to feel that it was scarcely prepared to struggle even for its self-preservation.

There was another difficulty to be met within the province itself. The end of the eighteenth century was the day of revolutions, of the bloody proclamation of the doctrines of the liberty, equality, and perfectibility of man. The theories of French socialists had borne fruit in the thoughts of men like Thomas Jefferson and had played a chief part in the American war for independence. America's practical demonstration had in turn reacted upon France. Now the mad spirit of the French Revolution of 1789 had infected the whole world and

spread even to Louisiana, where such ideas found fruitful soil. In Kentucky, also, Jacobin clubs were formed to spread ideas more radical than those of the American republic. So strongly was the latent republican feeling of the French of Louisiana stirred by the spirit of revolution, that the king of Spain forbade the people to receive any box, coin, or clocks stamped with the traditional figure of Liberty. Troublous times seemed to await the new governor, François Louis Hector, Baron de Carondelet, who assumed the place of the wearied Miró on the last day of December, 1791. The conviction had grown upon the Spaniards that New Orleans was in danger from its own revolutionary spirits, and the new governor's first efforts were energetically directed to establishing order and control within the gates of his capital. He divided the town into four wards, over each of which was an *alcade de barrio*, a police official who was to supervise the people of his district, see that all names, addresses, and changes of residence were registered. A tax was laid upon chimneys to provide for lighting the city by means of great oil lamps swung by chains at the street corners, and also to pay for a force of thirteen *serenos* or night watchmen to patrol the streets and call the hours and the weather from dark to dawn. The defenses of the city were reported by Carondelet as weak, and therefore to strengthen the position of the capital in its relation to the United States, as well as to win the popular favor of its own citizens, Carondelet was authorized by the Spanish government to neglect to enforce the restrictive trade laws. The laws themselves, curiously enough, were not repealed, and the American vessels were registered at the custom-house as Spanish, but no hindrance for the present was put upon their open trading.

In 1793, the French Republic beheaded Louis XVI and Spain declared war against it. The French republicans in New Orleans, not as large a party as Carondelet

feared, however, showed their enthusiasm by public demonstrations. At the French theatre established by the St. Domingan refugees two years before, the crowd demanded "La Marseillaise" of the orchestra and joined in the patriotic and republican French songs which the actors gave from the stage. In the coffee-houses were heard many of the same songs that had stirred the mob in the streets of Paris. Carondelet knew that Spanish civilization was but skin deep in the Louisianians, and that the flesh and blood beneath the surface were still French. Uneasy at the display of revolutionary feeling, he broke up assemblages of the citizens, stopped the patriotic displays at the French theatre, and after a few arrests checked the song-singing in the cafés. He busied himself to make treaties with the Indians, to strengthen the fortifications of the city, and to popularize the Spanish administration by public improvements and great attention to public needs. In 1794 another severe fire gave him the opportunity to win the people by acts of kindness such as Miró had done before him. The church of Louisiana was now finally detached from the bishopric of Havana, and was given its first archbishop, Luis de Peñalvert y Cardenas. The first newspaper also appeared at this time, "Le Moniteur de la Louisiane," printed in French. A drainage canal was dug between the city and Bayou St. Jean.

There was need for all the baron's attempts to strengthen the position of his government in every way, for the spirit of French revolution had many sympathizers in America, and the eyes of the discontented were cast upon Louisiana. From Philadelphia the agitation caused by the sympathizers with the French Republic had spread to Kentucky. There the opposition to the conservative refusal of Washington and the Federal government to give aid to the republicans across the sea had become so bitter and violent that only the neutralizing effects of wrangling and discordant factions saved the

West from some form of secession. Citizen Genet played upon this spirit of discontent and sought to turn it to the advantage of France. He sent agents, chiefly a certain Charles Despau, to organize in Kentucky an expedition to seize Louisiana. A French enthusiast from New Orleans, Delachaise, went there also for the same purpose. At first a considerable success was met by the agitators. The Democratic Club of Lexington declared "that the right of the people on the waters of the Mississippi to the navigation was undeniable, and ought to be peremptorily demanded of Spain by the government of the United States." The Jacobin Club of Philadelphia sent a flaming letter proclaiming Liberty, Equality, and Fraternity from "the Freemen of France to their brothers in Louisiana," offering the powerful aid of their republic to all the nations of the earth in the struggle for freedom, and urging the Louisianians to "cease to be the slaves" of a government to which they had been "shamefully sold." This terrible document in reality meant very little, and Carondelet was probably more disturbed by the French agitation than he had cause to be. In Kentucky, however, there was something more behind the excitement than inflated sentiment and glittering political theories. The party organizing there had gone to great lengths. George Rogers Clarke held a commission as "major-general in the armies of France and commander-in-chief of the revolutionary legions on the Mississippi." Many influential people were involved, and even Governor Shelby was suspected. Wilkinson seems to have remained discreetly quiescent while matters were thus uncertain, and the ultimate failure of the schemes on foot proved the wisdom of his self-control. Had the agitation finally resulted in any action, it is scarcely probable that France would have gained much thereby; but the Westerners might have seized the opportunity to settle old scores with the Spaniards had not Washington effectually muzzled the blatant Genet and

checked the plans of his agents until the people could see for themselves the folly of the whole business.

Carondelet, meanwhile, had been fortifying his capital and locking himself and his people within the gates at sundown. To counteract the French influence among the Westerners, he sent among them an Englishman named Power, who, under pretense of gathering material for a natural history, was to take occasion to talk with influential people in those parts and endeavor to induce them to favor a separation from the United States and an alliance with Louisiana under the protection of Spain. Power, working more cautiously and judiciously than the French agents, and having more substantial backing than mere sentiment, seemed likely to have better success. He sought out old friends at once, — Wilkinson, Innis, Nicholas, and Sebastian, — and offered hard cash for their services. Nothing finally came of these labors, but they set in operation again that elaborate system of treachery, bribery, and intrigue which made its insidious influence felt all through the events of succeeding years, and helped to make the actual history of the American acquisition of the Mississippi valley a rather inglorious episode, entirely unworthy of the vast significance which lay beneath the movement.

For the present, however, Carondelet had less cause to be alarmed, and had some reason to be proud of the success of his activity in preserving the peace of his province. He did not cease his efforts on that account. He encouraged the immigration of French royalists fleeing from the horrors of the Revolution, welcoming them as an offset to the republicans he had about him. On the Washita (Ouachita) River he granted twelve square leagues to the Baron de Bastrop; thirty thousand acres to the Marquis de Maison Rouge, and ten thousand square arpents to De Lassus and St. Vrain. These concessions were not settled by the proprietors, but mention is made of them here on account of the part they

were destined to play in the famous scheme of Aaron Burr some years later.

The only serious effect of all the revolutionary agitation, for the present, at least, was upon the negro slaves. The revolution of the St. Domingo negroes in 1791, the hideous massacre of the whites, and the success of the slaves in establishing an anarchy which passed for the semblance of freedom, had had its effect upon the blacks of Louisiana. Many of the refugees from the island had settled in New Orleans and throughout the province, and tales of the horrors of the massacre had been told at every table and by every fireside. The negroes of Louisiana had little to complain of, so far as treatment went, for the Spaniards had been even more lenient than the French in the modifications of the Code Noir which they made. Carondelet himself was fined heavily for having signed the death-warrant of a slave on what was considered insufficient evidence. Nevertheless, a conspiracy was formed, apparently at the instigation of some discontented whites. Strangely enough, too, the movement began on the plantation of Julien Poydras, one of the most charitable and humane of men. This plantation was in a thinly settled portion of the province, in Pointe Coupée Parish, about one hundred and fifty miles from New Orleans; and under these favorable conditions and during the absence of Poydras the conspiracy was planned with the utmost secrecy. The 15th of April, 1795, was set for the uprising. On that day the whites were to be massacred, an army formed, and the whole province finally subdued. The details of the hideous vengeance to be taken after victory had been won were suggested, no doubt, by the tales of the bloody orgies of St. Domingo. It is enough to say that no white person was to be left alive except the grown girls and women, — a reservation not prompted by mercy. Outside of the town itself, the negroes in many places greatly outnumbered the whites, and a sud-

den attack might have cost hundreds of lives. But a disagreement among the leaders caused first a delay, then a dispute, and finally a betrayal of the whole plot to the commandant of the parish by one of the leaders. All these, and among them three white men, were arrested. A party of negroes attempted their rescue, but failed after losing twenty-five men in the attack. Other arrests were made, and, after trial, twenty-three of the chief conspirators were hanged and the bodies exposed all along the course of the river, at points between Pointe Coupée and New Orleans, as an object lesson. Why the three white men arrested were allowed to escape with banishment is unexplained, for the hatred of the whites to such agitators and traitors of their own race has always been more intense than that felt against negroes in similar cases. As a result of the conspiracy, the *Cabildo* petitioned the Court of Madrid to forbid the further importation of slaves; and, while waiting an answer, Carondelet issued a temporary proclamation to that effect.

Such was the condition of affairs in Louisiana while negotiations between the United States and Spain seemed finally to offer some hope of satisfactorily adjusting the commercial and territorial difficulties. In 1794, Spain was involved with both France and England, and gave the hint to the United States that she was now willing to settle points of disagreement that might remain between them. Thomas Pinckney had therefore been transferred from London to Madrid, to press American claims. Nevertheless, in spite of the fact that Spain had herself given the hint that she was willing to talk terms, Pinckney's first negotiations were made so difficult and humiliating by Godoy that in October of 1795 he demanded his passports unless Spain gave immediate and final reply. The court now came to terms within three days. By the treaty then drawn up, the 31st degree of latitude was at last conceded by Spain as the boundary between

the Floridas and the southern portion of the United States, and a commission was designated to run the line accurately in conjunction with American surveyors; and furthermore citizens of the United States were formally granted the right to deposit and store merchandise in the port of New Orleans and to export thence free of duty for a term of three years, a period which might be further extended if the concession were not found injurious to Spanish interests. In case New Orleans were refused as the place of deposit, Spain agreed to name in its place another port on the lower Mississippi for the use of American merchants. In this treaty Spain granted the concessions which the United States had long demanded in vain, but she had no intention of complying with the conditions longer than was necessary to tide her over her present difficulties; for, being on the verge of war with England, she wished that the province of Louisiana should be secured against British invasion from Canada, and rightly considered that the interest of the United States in that direction could be used as the most effective and economical means of protection.

Carondelet at once renewed through Thomas Power his former intrigues with Innis and Sebastian in Kentucky for the secession of Kentucky, and assured them that Spain had by no means abandoned her claim upon the territory east of the Mississippi or her privilege to control the commerce of the valley. But Carondelet could no longer depend upon his chief hope. The times had changed and Wilkinson's heart with them. He had been appointed to succeed "Mad Anthony" Wayne as commander of the armies of the United States. The administration under Washington had produced such confidence that even the former malcontents, save perhaps a feeble few, had become loyal to the National Government and distrustful of Spain. Moreover, the granting of the right of deposit in New Orleans by Spain had removed the chief source of discontent. Power had,

therefore, an unfavorable report to make to Carondelet. Spain, too, was compelled for the present to hold strictly to her agreement; for in 1796 she had gone to war with England, and she was thus doubly handicapped when in February, 1797, Andrew Ellicott, the American commissioner, appeared at Natchez and demanded the fulfillment of the terms of the treaty and the withdrawal of the Spanish troops from the territory which the treaty had relinquished. Gayoso de Lemos, the Spanish commandant at Natchez, endeavored to put off Ellicott with excuses, and sought to persuade him to go to New Orleans for conference with Carondelet. Ellicott refused. Gayoso then claimed that he understood that the Spaniards had the right to demolish their forts and outposts before withdrawing, and that consequently he could not deliver them until he had explicit instructions from his minister at Philadelphia. The people of the neighborhood were mostly Anglo-Saxons, and were impatient of the delays which Gayoso sought to create by his many excuses. Public meetings were held, which Gayoso attempted to stop by making arrests. Ellicott now interfered, threatening to use force, and people near Natchez organized in June, 1797, a Committee of Public Safety, consisting of seven prominent men.[1] Gayoso, frightened and conscious that he could not hold out against any show of force, was compelled to recognize the Committee as the representative of the people, and to promise to do nothing without their consent, at the same time releasing his prisoners. The citizens now chose by public meeting a permanent committee of nine members to keep a check upon the Spanish commander. Carondelet was compelled to assent to all their demands, for he was without power of resistance, and felt that his capital was so weak that its defense would require all his strength and scanty resources. The province had been damaged by fire, flood, and hurricane, and had been scourged by "yellow fever."

[1] Monette's *Valley of the Mississippi* is here followed.

He was made yet more uneasy by the presence of the French General Collot, who had been prying about the city, making maps and plans and inspecting the five miniature forts which comprised the fortifications of New Orleans. He had arrested Collot and sent him to Philadelphia, but was still kept on the alert by the constant rumors that France was again eager to regain Louisiana, and that Collot had been sent to reconnoitre the ground. Now, in August, 1797, he was relieved of the responsibility of his position and transferred to Quito. Gayoso de Lemos was appointed governor in his place. Charles de Grandpré was sent to Fort Panmure at Natchez, but the Committee of Public Safety refused to accept him, and Captain Minor had to be sent in his place. It was now evident that the Spaniards could no longer hold the country, and when General Wilkinson in 1798 finally ordered Captain Guion to take possession of Fort Panmure and Fort Nogales, the Spaniards quietly withdrew without the formality of final leave-taking. Wilkinson himself then came down the river, established himself at Natchez, and began the erection of Fort Adams at La Roche à Davion.

Meanwhile the Americans had taken what advantage they could of the privilege of deposit in the port of New Orleans and had established a consul there. The three years provided by the treaty passed in brisk trade, for the Americans were assured that the privilege would be continued as had been promised. When the period expired in 1798, however, the new Intendant, Don Ventura Morales, suddenly forbade the use of New Orleans as a place of deposit, but did not provide another port as had been agreed in the treaty of 1795. This new act of bad faith on the part of the Spaniards roused the West as nothing had done before. The navigation of the Mississippi had become such a necessity to the people inhabiting the upper valley that their very existence depended upon it as the sole outlet for their com-

merce and the sole means of disposing of their products. The Federal government, also, had become weary of the humiliating position which the conduct of Spain had long forced it to assume before the nations of Europe. Far-seeing statesmen all over the country had begun to see that the presence of the Spaniards in the Mississippi valley and their absolute control of the river would forever prevent the federation of States from becoming a unified nationality and from assuming any dignified position among the nations of the world. The people of the West had begun to plan the capture of New Orleans when President Adams ordered three regiments to be concentrated on the Ohio and remain ready for action while twelve others were gotten into shape for service. General Wilkinson was ordered to Washington, and went by sea, passing, therefore, through New Orleans. While in the city, he was interviewed by the Intendant, who apparently got from him no information but that the United States were determined upon two things, — that neither France nor England should get possession of the valley and that no claims or territory would be yielded. In the record of this interview, there is no trace of the Wilkinson of former days, save in his somewhat ambiguous statement to Morales that he would advise the President to send troops to aid Spain in preserving Louisiana from the English.

Gayoso de Lemos now fell suddenly ill and died, leaving the direction of the civil affairs of the colony in the care of the Auditor, José Vidal, and the military in charge of Don Francisco Bouligny. In 1799, the Marquis de Casa Calvo was sent from Cuba to act as governor *ad interim*. In this condition the Spaniards of Louisiana waited for some signs of the storm which all felt might sweep down the river at any time. But the present administration of the United States took no immediate action beyond the precautionary measures already mentioned. It will be remembered that the

United States had been moved almost to the point of war by the insistence of France upon the obnoxious treaty of 1778 and by her refusal to pay the claims for injuries done to citizens of the United States. Under cover of war with France, troops had been massed on the Ohio in readiness to fall upon the Spaniards of Louisiana; but when, in 1800, Bonaparte signed a treaty giving up the treaty of 1778 upon condition that the United States pay to her citizens their own spoliation claims for acts done by France prior to 1800, the administration was left without this cover for preparations against Louisiana. Adams hesitated to advocate open war with Spain, as the presidential election was coming on, and he wished the responsibility for decision in the great crisis to run over to the next term.

Thus matters stood when Thomas Jefferson and Aaron Burr were elected President and Vice-President in 1800. Louisiana also entered the critical period about to commence, with a new governor, Juan Manuel de Salcedo, who assumed office in 1801.

CHAPTER VIII

LOUISIANA ACQUIRED BY THE UNITED STATES

The new President came into office at a time beset with difficulties. A huge problem had been left upon his hands by the last administration — the greatest problem that the country had been called upon to face since it had declared its independence of England. In this crisis, he had to meet opposition within the country and, to a certain extent, to go counter to his own convictions. The powerful judiciary was Federal, wedded to the principles of the party which Adams had headed, and was savagely against Jefferson. He himself, a stanch states'-rights man, was destined by the force of events to act as if he had been an imperialist, and became indirectly the founder of a government that was to be more centralized than his abstract theories of political science would have tolerated. For the present, the United States were in no sense a nation — merely a federation of distrustful and inharmonious States. The new theory of democracy put into practice in their government was all untried. The country had grown beyond its capacity for centralized control, and yet, paradoxically, the acquisition of a new territory, the absorption of a new race, and a vast expansion far beyond the wildest dreams of any man living was needful for the establishment of the very nationality which the federation yet lacked.

The interests of the distant sections of the republic were diverse, and pulled the feeble national government in its indecisive powerlessness in opposite directions, forcing it to sue for favors at the back doors of European

courts. In the face of danger of invasion of the Mississippi Valley by France, England, or Spain, the United States had been compelled to submit to many humiliations in their diplomatic relations with all three of these countries, and could hope to have no international standing or warrant of respect in Europe till they were free to act regardless of the Mississippi question and were relieved from the danger which threatened in that direction. Furthermore, the population of the whole country was, in 1800, but little over five millions, and the expenses of the government exceeded its receipts.

Jefferson was a man of peace. He attempted to meet his problems with diplomacy and legislation. His first care was to reduce the public debt by cutting down the army and navy; by economies in the civil expenses and by increasing the external revenue from imposts, the internal revenue was reduced to relieve the people. So well was his work and Gallatin's done that his administration reduced the debt almost one half, in spite of the expense caused by the purchase of Louisiana.

He was from Virginia, and Kentucky's interests were consequently well known to him. He knew the national importance of the Mississippi. Though he was finally favored by extraordinary circumstances, the problem was at first a most perplexing one, and it is to the credit of his discernment and remarkable foresight that the problem was attacked at once in the proper way for ultimate success.

It was already recognized throughout the world that a new power was bent upon the domination of Europe. The immense genius of Napoleon, his success, his insatiable ambition, and inexhaustible energy made him an uncertain element in all calculations. It was not known where his power would cease or in which direction he would next turn it. It *was* known, however, or at least widely rumored, that he intended to regain the Mississippi Valley from Spain and work it into his vast schemes.

It was also rumored that he had accomplished something in this direction by the treaty of San Ildefonso, in October, 1800. Early in the spring of 1801, these disquieting reports began to reach the United States. In March, Rufus King, minister to England, had written to Secretary Madison that he believed the report that Spain had ceded Louisiana and the Floridas to France. He knew that Napoleon had been working in that direction; and, though nothing had been officially announced, he fancied that France had received its desired compensation for the cession of Tuscany to the Duke of Parma. He stated that General Collot was about to go again to Louisiana; and in view of the serious danger to the United States, it was to be regretted that they had not a minister at Paris. In June he wrote again, stating that the British government was alarmed lest France, by regaining Louisiana, should reach Canada again and annul the results of the Seven Years' War. Pinckney at Madrid was instructed to make inquiry into the truth of these reports, and in September, 1801, Robert R. Livingston was sent as minister to France with instructions to get from that government an acknowledgement of its acquisition of Louisiana and to offer to relinquish the new spoliation claims in return for the cession of the Island of Orleans to the United States. There was no thought for the present of attempting to prevent Napoleon from taking possession of the western bank of the river.

By the signing of peace with England in March, 1801, Napoleon was left free to pursue his plans toward Louisiana, and they were exactly what had been suspected, though for the present they were kept as secret as might be. For a long time Louisiana had been an objective point in his vast scheme of conquest. In fact, immediately after Marengo (June 14, 1800,) he had begun negotiations with Spain through Berthier for the acquisition of that territory, and had begun at once to collect information about the country. M. de Pontalba submitted to

him in September, 1800, an elaborate memorial[1] giving a full description of Louisiana, its resources, its importance to France, a review of its history, and a remarkably clear statement of its present relation to its American neighbors.

Less than a month after Napoleon had received this remarkably full and exact memorial giving him the details of what he should know of the conditions of Louisiana and its political surroundings, he closed with Spain, in the treaty of San Ildefonso, October 1, 1800, a bargain by which France was to have Louisiana and the Floridas. In return, Tuscany, won by French arms, was to be given to the Duke of Parma, husband of the daughter of Carlos IV, then king of Spain. The treaty was not ratified by the king and was therefore kept secret ; it is important, however, as the basis of all subsequent treaties. Napoleon, early in 1801, sent his brother Lucien to succeed Berthier in the negotiations with Spain for Louisiana. Godoy, though not in office, wielded a preponderating influence in the affairs of the kingdom and soon acquired an undue ascendency over Lucien. On March 21, 1801, a second treaty was negotiated at San Ildefonso, similar to the first, but to this also the king hesitated to put his signature on account of his unwillingness to abandon the Floridas until the Duke of Parma had been completely assured of his possession of the throne of Tuscany.

Meanwhile, Rufus King had obtained a copy of the treaty of San Ildefonso, and in article 3d found confirmation of the cession of Louisiana to France. He forwarded his information at once to Secretary Madison; but Livingston, in Paris, remained in doubt, for Talleyrand constantly assured him that, while the cession had been discussed, no final settlement had been concluded. This was more true than Livingston was inclined literally to believe, for he could not see how Spain, in her

[1] Given in full by Gayarré in the *Spanish Domination*, pp. 410 et seq.

present condition of dependence upon Napoleon, could refuse the demands upon which he seemed so determined. Napoleon, however, found difficulties arising in his way and distracting his attention from more distant plans to those nearer home. Nelson surprised and defeated the Danish fleet at Copenhagen, further crippling Napoleon's already feeble naval resources. Masséna's scheme of invading India came to nought on account of the assassination of Czar Paul. Godoy also interfered with Napoleon's intentions, by inducing Lucien to sign a treaty of peace with Portugal instead of blockading the ports of that country against England. Godoy now felt able to delay the final ratification of the cession of Louisiana and the Floridas, on the ground that France had not fulfilled the part of the treaty relating to the Italian cession as scrupulously as had at first been intended.

Napoleon was therefore willing again to make temporary peace with England in 1801, so as to be free to force Spain to consent to the cession. He determined to make the slave troubles in St. Domingo the excuse for sending a strong army to America, and to use that island as a basis of action against Louisiana. Conditions there seemed to favor his plans. The negroes had again revolted in 1791, and their liberty had been formally granted by the National Assembly when, in 1794, it had abolished slavery throughout the world. A negro of great ability, Toussaint L'Ouverture, had been made chief of the blacks in 1797, and at the head of four thousand men had cleared the Spanish portion of the island. When France and the United States were at the point of war a year later, Toussaint, then practically dictator, had made overtures to the Americans in the hope of gaining more support for his plan of establishing an independent black nation from the United States than from France, for under Napoleon's rapid assumption of supreme power there was less talk of liberty than formerly. In October, 1801, Napoleon ordered General Le Clerc to

hold himself in readiness to go to St. Domingo and subdue the blacks. January, 1802, found Le Clerc busy on the island attempting to stamp out the irregular yet harassing warfare of the negroes and struggling against the far more fatal fever which was rapidly reducing the splendid army which Napoleon had sent out. Elsewhere all was going well, for in June, 1802, Napoleon wrote to Decrès, Minister of Marine: "My intention is to take possession of Louisiana in the shortest possible time. . . . Let me know the number of men you think necessary, both infantry and artillery. Present me a plan for organizing the colony, both military and civil, for works, fortifications, etc. Make a map of the coast from St. Augustine to Mexico, and a geographical description of the different cantons of Louisiana, with the population and resources of each." Preparations were at once pushed forward to send five battalions of infantry, two companies of artillery, sixteen pieces of cannon, and three thousand muskets in November, 1802, to St. Domingo for operations in Louisiana. With this force he intended to send a general of division and three brigadiers, showing by this large proportion of important officers that he meant to raise a much greater force in St. Domingo or perhaps in Louisiana itself. No less a person than Bernadotte was first named to command this army, but he, being unwilling on account of his own ambitions to leave Europe, forced Napoleon to accept his resignation by his evident lack of interest in the scheme. General Victor was appointed in his place. The sailing of the expedition was delayed, however, by the news that came from St. Domingo. LeClerc had been unable to quell the insurrection and had lost all but one seventh of his army from fevers. Napoleon was therefore compelled to abandon his first intention of concentrating on the island the army which he had intended to send into Louisiana. Nevertheless, he pushed forward his negotiations with Spain, and on October 15, 1802, procured the king of Spain's signature to

the treaty ceding Louisiana and the Floridas to France upon the conditions that the new kingdom of Etruria, given to the husband of the Infanta, be recognized by England, Austria, and the former Duke of Tuscany, whose province had been incorporated in it, and that France must pledge herself to restore Louisiana to Spain in case the king of Etruria lost his kingdom, and not to cede Louisiana to any other foreign power. The treaty restored to France the same extent of territory that had been ceded by her to Spain in 1763, but the boundary of the western frontier had never been fixed and was still allowed to remain undefined. It is probable that Napoleon was purposely neglectful in this matter, for it seems evident that he intended to claim or to take the whole coast of the Gulf of Mexico as far to the southwest as the Rio Bravo (Rio Grande), and in time make good the French claims to the northwest.[1]

On October 16, 1802, the day after the king had signed the treaty of cession, the Intendant Morales at New Orleans issued an order which forced the United States to more decisive action, and practically changed the character of the negotiations. Jefferson had at first aimed only to prevent the cession of Louisiana to France and to exact from Spain a final recognition of the right of Americans to the unrestricted navigation of the Mississippi. In event of failure, his alternative had been an alliance with England. "There is on the globe," he wrote to Livingston, "one single spot, the possessor of which is our natural and habitual enemy. . . . The day that France takes possession of New Orleans fixes the sentence which is to restrain her (i. e. France) forever within her low-water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation." This threat had been effectively dangled before Napoleon to

[1] W. M. Sloane in *American Historical Review*, iv, 445.

induce him to abandon whatever schemes he might have for the conquest of the Mississippi Valley. At this point, Morales, apparently upon his own authority, ordered a more strict enforcing of the laws of commerce, again absolutely suspended the right of deposit, and completely closed the port against Americans, in spite of the fact that his own people suffered almost a famine from the stoppage of the supplies received from Kentucky and Philadelphia. A volley of petitions was hurled by the enraged Westerners at Congress and the President. "The Mississippi is ours," they declared, "by the law of nature; it belongs to us by our numbers, and by the labor we have bestowed on those spots which, before our arrival, were barren and desert. Our innumerable rivers swell it, and flow with it into the Gulf of Mexico. Its mouth is the only issue which nature has given to our waters, and we wish to use it for our vessels. No power in the world shall deprive us of this right." Salcedo, the Spanish governor of Louisiana, became uneasy at the rumors which reached him from Kentucky and Tennessee. In reply to a demand for an explanation of Morales' action from Governor Claiborne of the Mississippi territory, Salcedo sent an apologetic letter, which was submitted to Congress in December, 1802.[1] He disclaimed all responsibility for Morales' act, and said that no such instructions had come from the king, but that the intendant had stopped the trade on account of the intolerable abuse of the privilege by some of the Americans. He explained that Morales could not name any other place of deposit until one had been designated by the king. He added that he was confident that this would soon be done, and that the king would "not refuse to afford to the American citizens all the advantages they can desire." But the time was past now when excuses or promises could any longer restrain the people of the West from gaining possession of New Orleans and

[1] See *Messages of the Presidents.*

freeing themselves forever from dependence upon the whims of Spanish officials. Strong pressure was brought to bear upon the national government to declare war and sanction the capture of New Orleans. But Jefferson yet hesitated, still hoping that something might be accomplished by his still unfruitful embassy to France.

Livingston at Paris, meanwhile, had been making no headway. He was convinced that Napoleon had designs upon Louisiana, but he did not think that terms had been finally settled, for he could get no answer from the evasive Talleyrand to his persistent questions, and he and the government which he represented were compelled to remain in this humiliating posture until long after the king of Spain had signed the treaty. He learned of the conclusion of the agreement and of Napoleon's determination to take possession of Louisiana in November, 1802, and made an offer to purchase New Orleans and the Floridas, leaving Napoleon all the territory west of the river. Still the reticence of Talleyrand and the secrecy of Napoleon caused him to suspect some movement against the United States. He wrote immediately to warn his government, and advised them to strengthen their forces in the neighborhood of Natchez.

Livingston had now been a year in Paris, but was no whit nearer a solution of the matter, nor had he yet received a fair answer to any of his questions. So disquieted were the people of the United States by rumors and delays, that in January, 1803, Jefferson urged Monroe to go to Paris as minister extraordinary to assist Livingston and reassure the people that every means was being used to further their interests. But the people had not Jefferson's reliance upon the power of diplomacy. They were determined that the question should now be settled for all time, as the whole nation had become weary of being dragged into the entanglement of European policies and being under the continual necessity of begging and demanding of the insolent powers

those very rights to which they believed themselves entitled by nature and necessity. On February 14, 1803, Mr. Ross of Pennsylvania announced in the Senate that, while Jefferson's diplomatic tactics were all very proper, perhaps more forcible arguments could be brought to bear, and that the negotiations already so humiliatingly prolonged might be more satisfactorily hastened if the United States had actual possession of the territory in question, without giving Napoleon the opportunity to gain a footing on American soil with his invincible legions. The House had sent an approved bill to the Senate to authorize Jefferson to spend $2,000,000 in buying influence in Madrid and Paris. Furthermore, as the bill was secret in intent, Ross justly declared it "extraordinary," and asserted that the people had a full right to know what was being done. He then introduced resolutions to the effect that, as the United States had an "indisputable right" to the free navigation of the Mississippi River and to a place of deposit at New Orleans, the refusal of these rights were acts hostile to the honor and interests of the country, and that the President be authorized to take possession of "such place or places in the same island (Orleans) or the adjacent territories" as might be necessary to the enforcing of those rights; that he be authorized to order out the militia of Georgia, South Carolina, Ohio, Kentucky, Tennessee, and Mississippi up to fifty thousand men, and employ them with the regular troops for this purpose, and that the sum of $5,000,000 be appropriated to that end. This resolution was hotly debated for three days, but was finally rejected by a vote of fifteen to eleven, and a somewhat milder one was substituted for it, authorizing the President to require the executives of the several States to equip and hold in readiness eighty thousand militia, and that money be appropriated as required for this purpose and for erecting arsenals near the seat of trouble.

Copies of the Ross resolution were immediately sent to Pinckney at Madrid and to Livingston at Paris, so that they might be used to show the determination of the people of the United States; and when Monroe set out for France he carried instructions to demand the "cession of New Orleans and the Floridas to the United States, and consequently the establishment of the Mississippi as the boundary between the United States and Louisiana." Livingston had already made such a demand, and Napoleon had considered it enough to detain Victor's armament from sailing. Livingston had taken advantage of Napoleon's willingness to think over his offer to prepare for him a detailed memorial, endeavoring to show in what way the money and friendship of the United States gained by the cession of New Orleans to them would be of more service to Napoleon than the whole province held by him against their will and in the face of their certain resistance. At this point England showed signs of war, and Livingston held out to Napoleon the prospect that England itself might seize Louisiana, or at least would assist the United States in such an attempt. Meanwhile, the British fleet watched the Channel, and Napoleon, not daring to provoke an attack upon his comparatively feeble navy, still held back General Victor.

On the 11th of April, 1803, Talleyrand came to Livingston and startled him by asking him how much the United States would give for the whole of Louisiana. Here was an undreamed-of proposition, and Livingston, being entirely uninstructed and unauthorized to negotiate such a tremendous bargain, could only reply that his government wished to acquire only New Orleans; but being pressed by Talleyrand, he finally hazarded the statement that he thought the country might give 20,000,000 francs, provided France paid the American claims for spoliation done since 1800. Talleyrand remarked that he, too, spoke unofficially, and had merely

asked his question "because the idea had struck him." Here the matter dropped for some days.

The news of the cession to France had now reached Louisiana. Preparations were begun to quarter and supply the expected French officers and their troops. The *Cabildo* sold at auction the privilege of supplying the French army with meat. On March 26, 1803, Colonial Prefect Laussat arrived at New Orleans and was received with full honors. The people, however, did not show the expected enthusiasm for the return of French rule.[1] They had begun to feel themselves Americans, and that their chief interests were bound up with those of the United States far more than with distant Europe. Free trade was necessary to their welfare and prosperity, and in this respect France did not promise liberty. Moreover, there was a fear that the new republican ideas of France might cause the ruin of the planters by abolishing slavery. The Ursuline nuns, also, still thinking of the blasphemies of the French Revolution and the closing of the religious houses in France, fancied that they would be treated in the same way, and petitioned the Spaniards to allow them to withdraw to Havana. In vain Laussat sought to reassure them, and in vain the people begged the Sisters to remain. All of the community of twenty-five, except nine, left the convent on the evening of Whitsunday; and followed by Casa Calvo, who had come to honor the ceremonies of transfer, Salcedo, and a great crowd of citizens, the disconsolate band of veiled women went aboard ship and abandoned the colony to the sacrilegious laws of France.[2]

In the face of such a reception, Laussat set to work to popularize his government and rouse a faint response from the apathetic people. He told them that they had been alienated under a weak and corrupt sovereign, but that the French people had never forgotten them, and

[1] Barbé-Marbois, *Histoire de la Louisiane*, pp. 224–227.
[2] Miss King's *New Orleans*, p. 158.

that now the great and just man at the head of affairs was bent upon restoring to France the glory of her former possessions and had brought back Louisiana to her kindred. To this address, some of the citizens of New Orleans and some planters of French birth or descent responded with written addresses announcing their loyalty to France. The intensity of these expressions, however, could not compensate Laussat for the general indifference of the people. He distrusted the Spanish officials, was galled by the universal testimony of even his most ardent compatriots in praise of the kind and just rule of their late governors, and he showed plainly to the venerable Salcedo and courtly Casa Calvo that he believed them to be secretly influencing the people against France. The Spanish commissioners, on May 18, 1803, published a proclamation formally announcing the transfer and stating that the boundaries of the new French province would be the same as those specified in Article 5 of the definitive treaty of Paris in 1763, and that consequently the settlements from Bayou Manchac to the line of separation between them and the United States would belong to the Spanish province of West Florida. But Laussat's reports to his government are full of uneasiness. He found his position almost as anomalous as that of Ulloa, of unhappy memory, had been — a sort of shadow of authority, waiting for his government to assume full control of the province and set at rest the disquieting rumors that the paternal intentions of Napoleon were but a myth and that Louisiana had been already surrendered to the United States. If Laussat had never prayed before, he learned now, and his prayers were always for General Victor and his soldiers.

While Laussat was thus vainly trying to convince the Louisianians that France had again restored them to her maternal bosom, Napoleon, the real France, had about made up his mind to abandon them altogether. The temper of the United States was evident to him from

the Ross resolution and from newspaper articles to which his attention had been assiduously pointed. He knew that war with England was inevitable and that in such an event he would be unable to prevent Louisiana from being seized by the British, or that, as was more probable, an alliance between England and the United States would allow the latter to absorb the whole Mississippi Valley. On April 10, 1803, Napoleon called Decrès and Barbé-Marbois to consultation and asked their opinions on the matter, stating that he was convinced that the present attitude of England would force him to abandon Louisiana, and that, rather than have his ancient enemy rob France of yet another province in North America, he thought of selling the country to the United States and, by thus adding to their power, finally giving England a most powerful rival. Marbois agreed with him in every respect, but Decrès urged the importance of Louisiana to France. France, he said, needed colonies for her support, as England did, and what colony could be more desirable than Louisiana? If, in the event of war, England should seize Louisiana, France, all-powerful as she was on the Continent, could seize Hanover and force the British to an exchange. Finally, with prophetic discernment worthy of Napoleon himself, Decrès opened a dream of the future that must have touched sharply Napoleon's own ambitious and far-reaching designs and sorely shaken his conviction of the practical necessities of the present. "The navigation to the Indies," said Decrès, "by doubling the Cape of Good Hope, has changed the course of European trade, and ruined Venice and Genoa. What will be its direction if, at the Isthmus of Panama, a simple canal should be opened to connect one ocean with the other? The revolution which navigation will then experience will be still more considerable, and the circumnavigation of the globe will become easier than the long voyages that are now made in going to and returning from India. Louis-

iana will be on this new route, and it will then be acknowledged that this possession is of inestimable value. . . . There does not exist on the globe a single port, a single city, susceptible of becoming as important as New Orleans." With Louisiana and a navy, France might control the future commerce of the world.

After hearing the ministers, Napoleon dismissed them without a word, but next morning called Marbois to him and said that he had just received important dispatches from England telling of immense preparations being made there which had decided him to renounce Louisiana. He instructed Marbois to go at once to Livingston and negotiate the sale without waiting for the arrival of Monroe. Livingston, meanwhile, tired of the long delay and the apparent hopelessness of success, had announced to Talleyrand that upon the arrival of Monroe he would advise his government to abandon negotiation and seize New Orleans by force. The same day, April 12th, Monroe arrived.

On the 13th, while Monroe and Livingston were dining with other company, Marbois was noticed walking in the garden of the embassy. He was called in, and intimated that he had business of importance but could not communicate it till after the company had withdrawn. Later in the evening Livingston sought him out, and was informed that Napoleon had decided to let the whole of Louisiana go to the Americans if they would give 100,000,000 francs and abandon the spoliation claims. Napoleon was as yet in name merely the First Consul of the French Republic, and in thus taking upon himself the sale of so vast a province was assuming extraordinary powers. In fact, this was his first great act of imperialism in disregard of the republican government. Livingston was naturally startled at such an offer, and felt that he and Monroe had no authority to assume such a responsibility as the government of the United States itself had not even considered. He told Marbois that the price demanded was too great, and that the United States "would be per-

fectly satisfied with New Orleans and the Floridas, and had no disposition to extend across the river." But Napoleon's resolve had been taken. He meant to get rid of the whole province. Marbois therefore proposed to Livingston to let Louisiana go for 60,000,000 francs and the assumption by the United States of their own spoliation claims, which amounted to some 20,000,000 francs. Livingston considered this also too great a price, and tried to convince Marbois that the United States in alliance with England might easily seize the country. Marbois, on his part, would not lower his offer, and sought to persuade Livingston of the immense advantage of Louisiana and the friendship of Napoleon to the United States. The interview closed at this point, but the negotiation had at last been established upon a practical basis. After consultation, Monroe and Livingston decided to attempt to consummate the purchase for 40,000,000 francs, and in case this offer were rejected to go as high as 50,000,000, the spoliation claims being included. The first offer was made on April 15th, and rejected by Napoleon. The second offer was then made as an ultimatum. It was evidently less than Napoleon had hoped to get, but, according to Marbois, he had become convinced that he could not prevent Louisiana from being taken, and considered that any price would be so much clear profit as well as capital for his immediate necessities. The English fleet could prevent him from throwing troops into Louisiana, should the United States seize it, and the ruined army in St. Domingo could be of no service. He needed money for the war with England, he needed the willing support of the people of France to consummate his own schemes of personal ambition, and therefore he did not wish to levy taxes at the very outset of his imperial policy. The sale of Louisiana would thus launch him fully upon his course. A bargain was now quickly struck, and on April 30th the ministers of the United States consented on the part of the government to pay 80,000,000 francs for the

whole of Louisiana, 20,000,000 of which were to go to the payment of spoliation claims made against France since the year 1800. By the articles of the treaty drawn up and signed by Monroe, Livingston, and Barbé-Marbois, the United States acquired the same territory which France had received from Spain by the treaty of San Ildefonso, on October 1, 1800, that is to say, the same territory which France had ceded to Spain in 1763. Ships of France and Spain, for a period of twelve years, were to be admitted to Louisiana free of all duties, save those paid by citizens of the United States, and during that time no other nation should have equal rights. Article 3d of the treaty required that the people of Louisiana be admitted as soon as possible to all the rights, advantages, and immunities of citizens of the United States. When the signing had been done, Livingston rose and said: "We have lived long, but this is the noblest work of our lives. . . . From this day the United States take their place among powers of the first rank; the English lose all exclusive influence in the affairs of America. . . . The United States will reëstablish the maritime rights of all the world, which are now usurped by a single nation." That Napoleon fully appreciated the importance of the event is shown by his oft-quoted remark: "This accession of territory strengthens forever the power of the United States; and I have just given England a maritime rival that will sooner or later humble her pride."

Thus it happened that Laussat's act of taking possession of Louisiana for France on the 30th of November, 1803, was but a melancholy event, for at the same time he had to make public announcement that the territory had been ceded to the United States. Nevertheless, in spite of his disappointment, he handsomely congratulated the people upon the prospect of becoming free citizens. He took possession with great formality, and established a provisional government. Etienne de Boré, one of the most influential planters of the colony, and

father of the now flourishing sugar industry, was made mayor of the town of New Orleans; a municipal council was chosen to act in place of the *Cabildo*, and Bellechasse was put in command of the little army of militia. The existing laws were not interfered with, and the Black Code, except such parts as would be inconsistent with the laws of the United States, was ordered to continue in force.[1] The Creoles of Louisiana apparently accepted their coming union with the United States contentedly, for Monette relates that, as the Spanish garrisons withdrew, some uneasiness was felt lest the lowest class of disaffected Spaniards and Mexicans in the town, and especially the free negroes and mulattoes, might cause trouble, and a battalion of Americans was formed under Daniel Clark, the American consul, and joined by a large number of the French Creoles. This battalion, some three hundred strong, organized and drilled on Davis's rope-walk on Canal Street, and patrolled the town day and night until the United States troops arrived.

Jefferson had meanwhile commissioned W. C. C. Claiborne, Governor of the Mississippi Territory, to assume the provisional government of Louisiana, and had ordered General Wilkinson, with a detachment of militia from Ohio, Kentucky, and Tennessee, to go with him to take formal possession. On December 17, 1803, this force, under the two American commissioners, camped two miles above the city, and word was sent to Laussat asking if he were ready to receive them. Wilkinson and Claiborne, with an escort of thirty horsemen, paid a formal visit to Laussat in New Orleans, and the following day Laussat returned the call at their camp. On Tuesday, December 20, 1803, the colonial prefect drew up his militia on the public square in front of the council-house to receive the Americans. A large crowd thronged the streets and surrounded the Place d'Armes to witness the ceremonies. As the Americans entered the gates of

[1] Martin, *History of Louisiana*, ii, 197.

the town, a salute of twenty-one guns was fired from the forts, and in a few moments their troops were drawn up in the square opposite the local militia. The two commissioners entered the council-house, and presented their credentials to Laussat. These were read aloud, as were also the treaty of cession, the powers of the French commissioner, and finally the *procès-verbal* of transfer. The prefect then delivered the keys of the city to Claiborne and led the new governor to the balcony of the council-house facing the militia and the people. Laussat then absolved the people from their allegiance to France, and Claiborne made in English a speech which was not understood, assuring the new citizens of the United States that their rights would be preserved and their commerce and agriculture encouraged. In the midst of a general silence, the French flag was lowered and the American raised. As the two flags met halfway, a gun was fired, and the batteries and vessels in the harbor saluted. A few Americans patriotically grouped at the street corner set up a shout, and Louisiana was a territory of the United States.

CHAPTER IX

DESCRIPTION OF THE CEDED TERRITORY — DISPUTES IN CONGRESS OVER ITS ADMISSION

It was a vast territory that had now become a part of the United States, and its boundaries, north, west, and south, were vague and undetermined. It was well, perhaps, that they were thus left unfixed, allowing the United States to press its claims to a yet greater extent of territory, demanding, tempting the expansion of the republic westward over the prairies of the West to the Rocky Mountains and beyond the mountains to the sea. Vague boundaries were a good policy for a young republic of imperialistic tendencies — a Napoleonic nation. Perhaps this was what Napoleon meant when he said, in regard to the ambiguity of the terms describing the bounds of the territory: "If no obscurity existed in the terms of the treaty, it would be well to put it there." On the north, Louisiana touched the English province of Canada, though the exact line of division was not fixed until 1818. On the west, the vague, wavering line of Spanish possessions feebly attempted to restrain the new American acquisition. But the French had some early claims upon this region, not as good or as early as the Spanish, but still good enough to furnish the Anglo-Saxons with a pretext for swarming over the first tacitly acknowledged lines. In 1704, Bienville had reported[1] that about one hundred and ten Canadians, in small separate bands, were scattered about the country of the upper Mississippi, and the "Lettres Edifiantes" of the

[1] Margry, vi, 180.

Jesuits contain accounts of early missions from 1706 onwards ; but when in the same year a party of Canadians ascended the Missouri they found that the Spaniards had been before them, trading and working the mines.[1] The first clear intimation of what the French considered the boundary of their discovery, after La Salle's failure to make good his claim to the whole West as far as Mexico, Old and New, is found in the memorial of the missionary priest Lemaire, dated January 15, 1714.[2] He writes: "The province of Louisiana ends on the north at a place called Détroit, between Lake Erie and Lake Huron. . . . On the south it is bounded by the Gulf of Mexico and runs east and west about two hundred leagues, to wit: from the Madeleine River, which is a miserable little stream emptying into the bay called St. Bernard by the Spaniards and St. Louis by the French, and which is consequently neither the Rio Panuco nor the Rio del Norte. . . . There are as yet no definite boundaries fixed in the distant lands lying on the east and west. It is, however, more easy to conjecture what would be our limits on the east, that is to say, towards Carolina, occupied by the English, than on the west, where the territory is vast and unknown. . . . The Missouri has been ascended four hundred leagues without showing any Spanish settlement, and it is only at five hundred leagues that one begins to hear of them from the savages who are at war with them." To the southwest the French claimed the coast of the Gulf as far as La Salle's abandoned settlement at St. Bernard Bay, and the French priests claimed spiritual authority over all the tribes as far west as the Pacific, but France never established herself in this region farther west than the post of St. Jean Baptiste aux Natchitoches within the present limits of Louisiana. It is evident, however, that France intended at the first opportunity to seize Texas at least as far as

[1] *Bienville to the Minister*, Margry, vi, 181, 182.
[2] Margry, vol. vi.

St. Bernard Bay and to capture the Spanish mines of New Mexico, and for that reason was willing that no definite boundary should be fixed by formal treaty. The attempts of St. Denis, La Harpe, and Belle Isle in Texas and the expedition of Bourgmont to the upper Missouri in 1722, ending finally in La Verendrye's laborious march to the Rocky Mountains in 1744, prove the intention of France to insinuate her way into the Spanish territory of the West as the English were doing along the eastern frontier of her own possessions. Destiny had prevented the fulfilling of her plans and had left to the United States this legacy of vague boundaries and vast possibilities.

Even the comparatively small part of the territory actually occupied by American garrisons was vast enough to cause uneasiness to the conservative East. From its source in the northwest to its mouth, the Mississippi was almost uninhabited. The long leagues of fertile soil along its banks were yet an almost pathless wilderness, known only to the wandering fur-traders, hunters, Indians, and priests. But along its lower coast, cultivation had begun to yield at least the promise of the wonderful prosperity which awaited the labor of new settlers. Already New Orleans was exporting yearly two hundred thousand pounds of tobacco, chiefly from the country about Natchitoches, thirty-four thousand bales of cotton, four thousand hogsheads of sugar, and eight hundred hogsheads of molasses. Corn grew luxuriantly, and rice in the lowlands was now a staple. The cultivation of indigo had been extensively practiced by the first planters, but the soil and climate were not adapted to its growth, and Louisiana soon found that she could not compete with the West Indies in this industry. Hurricanes and the recent appearance of a destructive insect, moreover, had almost brought ruin to the planters of indigo. One of the most influential of these planters, Etienne de Boré, driven by necessity to meet the almost certain misfortune, resolved in 1794 to make a determined attempt to man-

ufacture sugar. Before that time sugar-cane had grown successfully in Louisiana, but all attempts to granulate the juice and produce a marketable quality of sugar had hitherto failed. Buying seed cane from Mendez and Solis, De Boré planted his fields in cane, and by his care and energy succeeded in raising an excellent crop and finally granulating the juice. Other planters at once followed his example; the futile attempts to raise indigo were forever abandoned, and all the planters of lower Louisiana began the cultivation of sugar-cane.

A new era in the agricultural history of the State had begun from this time. Life on the great plantations reached that state of patriarchal dignity and simplicity, combined with wealth and power, which gave to French Louisiana its peculiar character and charm to the visitor. For the country was still French, and Spanish custom, outside the town of New Orleans, had taken but little hold upon the real life of the people. Few Spanish settlers had come to the colony save those emigrants from the Canary Islands who had been established in St. Bernard Parish or within the vicinity of the capital — not a thousand in all. The people spoke French, and all the greater plantations were held under old French grants. It will be remembered that in the days of John Law the unhappy colony had been deluged with wretched men and women, stolen, deceived, dragged from hospitals and jails and country by-roads, to populate the vast concessions granted to the aristocratic proprietors. But that time had passed, and that degenerate mass of humanity had been sifted and weeded out by disease and famine and by all the forces which produce and then destroy such social morbidity. They were useless to the colony, to themselves, and to the owners of the land grants. They could not or would not work either for themselves or their masters, and so they simply starved and sickened and died — as all useless things disappear. There were, it is true, many sturdy settlers of good,

plain stock, like Law's Alsatians, but these people formed their own little farm holdings and lived and worked for themselves. The proprietors of the larger grants, therefore, had found themselves in great difficulty. They had pledged themselves to settle and cultivate these great tracts of wilderness; they were men who had never done manual labor or dreamed of doing it, and they could not use the wretched human material sent out for that purpose by the Regent and the Company. Under the circumstances there had been but one recourse — slavery. There had been those who foresaw, as did Father Charlevoix, the future menace of the black pest, and many an appeal was made to the blinded government to encourage the immigration of farmers, white laborers, and skilled mechanics ; but the government had been forced to take what seemed the shortest way of supporting Law's gigantic schemes, — black slaves were sent in by the shipload, and the planters eagerly took them. Sheer savages of the lowest type many of these negroes were, but under the wise slave laws of the French they had been more easily domesticated and humanized than could have been expected. They had made agriculture possible and profitable; their labor had enabled the aristocratic holder of land to lead in the Louisiana wilderness the same life of refinement to which his birth and breeding had adapted him, and the slave had become the most valuable of all property after the land itself. Needless to say, the master bred and cared for his slaves as valuable live-stock is bred and cared for to produce physical perfection. Needless to say that the brutal savage, freed from his ignorant struggle with disease, superstitious excesses, the cruel power of the forces of nature over such as he, and from the slaughter and slavery of his fellow savages, became in a couple of generations what thousands of years of so-called freedom had not made him, and would never have made him, in his African jungles. The strong power of the law made him abandon more than half his savagery ;

he learned farming and the mechanic arts; having his master's physician and the nursing of his mistress or her trained subordinates, he almost ceased to depend upon his charms and fetiches in sickness; and under the patient teaching of the priests and the Ursulines he had learned enough of the softer religion of his masters to tame and partially transform his own dark and terrible religion of fear, at least so long as his impressionable nature was restrained by the direct control and personal responsibility of his master, an influence far stronger than official law, as both white and black learned when, in the next century, that restraining influence was removed and the slave was thrown again upon his own resources to struggle with incomprehensible laws and the power of a civilization as disastrous to him as the dangers of his native jungle.

Upon the great plantations, the power of the master was well-nigh absolute, and the government outside the town was patriarchal. Slavery had undeniably its darker aspect, its evil influence upon many of the whites, its oft-painted cases of cruelty and oppression; but the nature of the laws compelling the master's care of his slaves and the high, chivalrous, and kindly character of the ruling class are enough to show that, beyond the fact of slavery itself and its abstract injustice, cases of wrong, of cruelty, of harshness were the exception and not the rule. The truly wonderful progress in the material well-being of the negro under slavery in America in contrast with his wretched condition under freedom in Africa and even with his present gloomy prospects under freedom in the United States, is the best proof that the negro himself was raised and not degraded, benefited and not wronged, by his Southern masters.

Gayarré has given a complete picture of a typical Louisiana plantation in the old days before American control,[1] a form of civilization unique in North America,

[1] "A Louisiana Sugar Plantation of the Old Régime," *Harper's Magazine*, March, 1887.

differing in many subtle ways from the plantation life in the Saxon slave States. It was the plantation of the historian's grandfather, Etienne de Boré, the patron saint of Louisiana sugar-planters. The planter kept open house for every traveler, friend or stranger, that might pass the plantation. Class distinctions in that day were so distinctly marked that there was no danger of confusion, and the true aristocrat might permit himself a freedom and courtesy in his intercourse with men of a lower station which is impossible in these later and more democratic days. The table in Boré's great dining-room, and in fact that of every rich planter, was free to every white man traveling on the public road that passed his gates. As in the dining halls of the ancient Saxon thanes, there was a place at the board and a courteous welcome for every peddler, for the humblest wayfarer. There was no need for the gentleman of that day to enforce his superiority by exclusiveness; the very nature of that aristocratic civilization and that patriarchal life of mingled dignity and simplicity allowed a freedom and kindly courtesy between the recognized classes that is to-day absolutely impossible.

The Boré plantation was typical of all the large plantations of sugar, cotton, indigo, and tobacco. The life was practically the same throughout the whole province, and the one word "feudal," stripped, however, of its mediæval barbaric associations, may well serve to characterize it. Throughout the parishes, the rich land-holders and their slaves formed the two classes economically most important. Under this civilization the intermediate class of free whites and free *gens de couleur* was of comparative unimportance. The small amount of trade carried on by the native inhabitants had not yet produced a merchant class, and most of the mechanic arts, outside the town, were in the practice of trained slaves. Throughout the poorer pine-lands were already scattered families of squatters or small land-owners that later were known

as "poor white trash," an anomalous class outside the interests of such a civilization as was built upon a foundation of slavery.

Within the town of New Orleans itself, different conditions naturally prevailed. Being more in touch with Europe than the rest of the province, it had lost some of its primitive simplicity, and the more direct influence of the Spanish there had had more effect upon its inhabitants than upon those of the country. Nevertheless, the people of the town had remained essentially French, and, because of their isolation, had developed certain characteristics of their own, certain social and communal traits which have persisted, even through American influences, to the present day. New Orleans seems always to have absorbed its foreign governors and the strangers who came to dwell within its gates, and to have imparted to them its peculiar character and general manner of living.

The Spaniards had made at first a brave attempt to establish the Spanish language and customs, but had finally been compelled to yield to the effect of the stronger individuality of the local character; and even the all-powerful church of Spain, even the unrelenting office of the Holy Inquisition, broke and yielded almost without a struggle to the subtle influences of the place. Miró reports that the people would not send their children to the public school established by the government for the teaching of Spanish and devotion to church and king. Scarcely thirty pupils had ever been assembled at one time, and finally the attendance had been reduced to six. Only in the courts of justice in the town was Spanish officially established, and even here a concurrent use of French and interpreters nullified any possible effect that this legal necessity might have had upon a portion of the community. In the country, Spanish was not used even to this extent.[1]

Archbishop Peñalvert, also, writing in 1795, has

[1] Miró's report of April 1, 1778.

grievous complaint to make of the people's refusal to accept the more rigid orthodoxy of the Spanish church. The grim but thwarted purpose of the ecclesiastics appears in this disconsolate report. It is plain that the church would not have tolerated the admission of heretics into the colony for the corruption of the faithful, but the weighty reasons of state to which Peñalvert refers required that the trickling tide of American immigration that filtered in through the barriers of Spanish exclusiveness should not be too rashly checked. Commercial reasons, reasons of necessity, of self-preservation, prevented the enforcement of laws that might provoke the dangerous people of the States to hostility. Even a certain liberty of conscience had to be officially granted by the Spanish to these unquiet newcomers.

But what prevented the grim church of Spain from taking such hold upon Louisiana as it had done upon the other colonies was not the then small influence of alien Americanism, but the very nature of the French Creoles themselves. They were a gay people, light-hearted and generous, independent, and impatient of restraint. In their nature there was a kindly tolerance which shrank from the cruel tyranny of such a priesthood as dominated Spain and the Spanish colonies. Even the Spanish governors were imbued with this feeling and assisted the people in holding the ecclesiastical power within harmless bounds. The incident of the single attempt to establish the Holy Inquisition in Louisiana is typical of the whole silent struggle. In 1789, the Spanish Capuchin Antonio de Sedella, under the new policy of the bigoted Carlos IV, was appointed emissary of the Inquisition to Louisiana. The portrait of this priest which to-day remains in the cathedral shows such a figure as the popular mind would call typical of the agent of that relentless cult of fanatic cruelty, — a tall, gaunt figure, clad in the rough robe of the Capuchin Order, corded about the waist, the feet

bare except for meagre sandals, a frame full of the physical power and the endurance which allows but little fellow-feeling for weakness, the round tonsured head, the wiry beard, and, above all, the expression of pitiless devotion to a stern conception of duty that almost glitters from the piercing eyes and seems to be symbolized in the very hook of that hawk-like nose. Padre Antonio had his agents and his implements of torture, and made his investigations with secrecy and caution. Apparently when his first victims had been chosen, he applied to Governor Miró for a file of soldiers that he might need some night in the near future. Miró sent the soldiers, not, however, to assist the cryptic horrors of the Holy Office. Incredible as it may seem, this officer of the king dared arrest the commissioned representative of the dreaded, the all-powerful Inquisition, and pack him off to Spain with this bold justification of his act: "When I read the communication of that Capuchin, I shuddered. His Majesty has ordered me to foster the increase of population in this province, and to admit in it all those that would emigrate from the banks of those rivers which empty themselves into the Ohio. . . . The mere name of the Inquisition uttered in New Orleans would be sufficient, not only to check immigration, which is successfully progressing, but would also be capable of driving away those who have recently come; and I even fear that, in spite of my having sent out of the country Father Sedella, the most fatal consequences may ensue from the mere suspicion of the cause of his dismissal." Thus the Spanish ecclesiastical power, like the Spanish civil power, was forced into a growth decidedly different from its original bent and purposes. Father Antonio Sedella himself, in later years, returned to Louisiana, a changed man, and remained for many years the most beloved of priests. When he died in 1829, the whole city mourned for him — not for the former Padre Antonio, but for the be-

loved "Père Antoine," the hermit, the saint, the friend of the people. Many an aged negro has no other approximate record of the date of his or her birth beyond the recollection that it was Père Antoine who sprinkled the water of baptism. To understand the love and reverence which the work of this strange man inspired especially among the humble, one has only to see some bent and shriveled negro woman standing before his picture, looking at it as if it had yet some miraculous spirit of life, and explaining with pride and reverence, "Li baptisé moin," as if the touch of those hands back in the dimness of half-obliterated memories had brought her poor life for an instant into actual contact with the supernatural, the divine. As it was with this Capuchin, so it was with the whole of Spanish life — at first rejected, then accepted, and finally transformed and incorporated in the composite nature of Louisiana.

The French traveler Robin, who was in New Orleans at the time of the cession, has left a description[1] which enables us mentally to reconstruct, in a general way, the town of that day. Approaching the city from the rear and entering Bayou St. Jean from Lake Pontchartrain, one passed the little Spanish fort at its mouth and ascended its shallow, almost currentless stream, winding through palmetto swamps and a drooping wilderness of cypress-trees, towards the town. The "land" on both sides of the bayou, except for occasional ridges, was but a tangled mass of rank, sinister vegetation struggling up out of the watery ooze from river and lake, a semi-liquid mass whose sullen stillness betrayed to the eye nothing of its ceaseless, creeping, imperceptible motion — the treacherous crawl of the swamp. Dull green cypress-trees with knotted and twisted branches mournfully draped and strangled with drooping masses of gray moss overhung the green water or stood starkly outlined in the depths of the marsh against the serene blue of the

[1] *Voyage dans l'intérieur de la Louisiane*, Paris, 1807 (tome ii).

sky. Here and there the swamp opened where, in the spring, vast fields of iris bloomed in purple beauty; among the sharp dagger points of the palmetto rose masses of swamp hibiscus, and the passion-flower clung to the few ridges of higher soil. The green waters of the bayou swarmed with reptiles; alligators and turtles basked on jutting logs, and slimy moccasins hung coiled in the cane-brakes. A strange air of sadness, of oppression, of decay overhung all this exuberance of poisonous life. But as one advanced towards the town and the great river, the soil, yearly enameled by its deposits of overflow, grew higher and clearer. Now houses began to appear along the banks of the bayou. Some of these were of wood, with galleries which appeared "Chinese" to Robin. Some were of brick, with Italian balconies. Some were surrounded with tall brick colonnades, in the style which yet remains. All were surrounded by closed gardens of flowers and embowered in groves of orange-trees. At a league's distance from the town, the bayou lost itself in the swamp, and the remainder of the journey was made by pirogue through the little canal which Governor Carondelet had dug. A few straggling houses, and then appeared Carondelet's little ramparts, surmounting his defensive ditch, and three of his miniature forts, — Fort Burgundy, Fort St. Ferdinand, and Fort St. Joseph, counting from left to right as one approached the town from the rear. These forts defended three of the angles of the pentagonal wall which guarded the old quarter. The two remaining angles, where the rampart touched the river, were occupied by Fort St. Charles on the lower corner and Fort St. Louis on the upper. These two forts were surrounded by walls eighteen feet thick, made of earth coated with brick. The wall about the town was a wooden palisade banked inside with the earth dug from the moat which encircled it. These defenses were puny, and General Collot, whose plans are here followed and who, it will be remembered, was

arrested for his curiosity in these matters, writes: "We believe that Monsieur de Carondelet, when he adopted this bad system of defense, thought more of securing the obedience of the subjects of his Catholic Majesty than of providing a defense against the attack of a foreign enemy, and, in this point of view, he may be said to have completely succeeded."

What appears to have first struck the traveler Robin upon entering the town was the condition of the streets. The low level of the soil and the primitive state of the levees had forced the people to dig double ditches along the length of each street to carry off the water to the drainage canal and thence to the Bayou St. Jean; but the canal had been allowed to become choked and its issue into the bayou so obstructed that the banked water had turned many streets into swamps and others into "abysses," impassable even to vehicles, and the pedestrian was forced to make long détours until he had mastered the topography of the town, if he happened to be a stranger. In acquiring this knowledge, he could get little assistance from the inhabitants, for the names of the streets existed only in the archives of the Cabildo, and the people designated the different quarters by the names of prominent residents. For the assistance of citizens in navigating the streets, or, as Robin seems to hint, for the betrayal of the unpracticed visitor, plank walks, or *banquettes*, were stretched before the houses; but these, too, "had their dangers," for they were uneven and unsteady, planks were sometimes loose and often slippery, and some skill in equilibrium was required to walk them without sliding off into the mud. Robin was told that, in view of the approaching transfer of the colony, the municipal government was unwilling to spend the money designed to repair the streets and maintain the drainage system. Nevertheless, the many handsome houses, especially along the river-front, with their attractive gardens, trees, and galleries, pre-

sented a pretty view to the eye. Especially attractive were the Place d'Armes and the Cathedral, the *Cabildo* house, and the uncompleted convent for the Capuchins, facing an unobstructed view of the river. Just below the Place d'Armes, the picturesque arcades of the market were alive with activity and brilliant with color. On the levee was a cool, tree-shaded promenade after sunset on summer evenings.

The little town of eight or ten thousand inhabitants seemed to Robin to be full of activity. "Almost every one," he writes,[1] "has some profession; for in the new world the towns have as yet few of those useless families who are proud of the crime of doing nothing. The universal desire of wealth makes them disdain no business that is lucrative. . . . The principal occupation is that of commerce, that is to say, of buying the cargoes of ships and selling them at wholesale or selling them upon commission. There are but few ship-owners and there is but little intelligent speculation. These merchants must be considered as mere brokers, or wholesale dealers selling to the retail trade or to the distant planters, who lay in provisions once a year and ordinarily pay with their crops. . . . The retail merchants of the town buy upon three or four months' credit and sell at a profit of about twenty-five per cent. . . . The foreign traders and peddlers who are scattered about the distant plantations of the interior of Louisiana form a considerable proportion of the retail merchants, receiving in payment, almost exclusively, peltries or the products of agriculture. They have usually a year's credit to facilitate their returns. Among the small dealers, the keepers of *cabarets* and the sellers of foodstuffs form a numerous class which, with good management, grows rapidly wealthy. The Catalans are the ones who more particularly take up this business, — active, industrious, frugal people, comparable to our Savoyards. The people have

[1] Tome ii, p. 75.

become so accustomed to see them adopt these trades in New Orleans that the *cabaret* keeper and the grocer are known under the generic name "*marchands Catalans.*" . . . The baker's business is one of the most profitable. Many of them make considerable fortunes in a few years, and it is not at all astonishing. Kentucky and the other parts of the United States which communicate with the Mississippi send their flour to New Orleans. This flour is of varying quality and consequently of different prices, selling at from three dollars a barrel (weighing about one hundred and ninety pounds) to ten or twelve dollars. Sometimes the supply is so abundant in the city that the price there falls below its price at the place from which it comes. . . . Navigation permits its transportation only from March to September. Bakers who are far-sighted can lay in stock at small cost during certain seasons of the year, and they can make an additional profit by mixing flour of inferior quality with the superior. The price of bread is indeed taxed a picayune[1] per pound under the Spanish government; but when the price of flour goes up, the weight of bread diminishes in proportion. . . . Many persons follow the occupation of butcher, either themselves or through their slaves. There is no country on earth where so much meat is consumed in proportion to the number of inhabitants. . . . At every table they serve small pieces of bread and huge pieces of meat. The amount which the children of the people consume would startle a European; they have good health, however, and grow large and vigorous. . . . Vegetables are found only on the tables of the wealthy, but meat is the main nourishment of all. Thus there are a good many butchers. . . . They kill only cows, for there is an impression in this country that their flesh is more delicate than that of steers."

The great vice of the town was the almost universal

[1] About five cents.

love of gambling. At the many games of chance, captains of vessels lost their salaries, ship-owners their cargoes, planters the money which they had gained from the sale of the year's crops. Many a planter, coming into town to buy his provisions for the next season, returned to his plantation, not only without a cent of his money, but burdened with debts to some of the swarm of Jewish money-lenders that had now begun to do a thriving business in the colony. Robin attributes the prevalence of this habit to the fact that there was in the colony so little education, art, or intellectual activity; that the men had nothing to talk about, and could pass their leisure only in the excitement of heavy play. For the same reason the women, though personally attractive and of natural intelligence, appeared but little interesting to the French traveller, or, for that matter, to their husbands; for their lives were occupied mainly with the supervision of their servants and in their exaggerated and doting devotion to their children. The men, particularly the planters and those whose business of life, carried on by slaves, left them considerable leisure, tired of the monotonous society of the women of their own class and found their amusement in gambling and with the already large and dangerous class of quadroons. Of the attractions of the latter, many a foreign visitor has left glowing descriptions. Already the public balls arranged for them by enterprising managers were a chief institution of the town, and their gayety and contrast to the monotony of the man-of-leisure's existence gave them a dangerous attraction against which other influences fought in vain. Their danger to the civilization of the whites was as insidious as it was ominous. Not the negro, but the mulatto, the quadroon, has always been the threatening factor in the race questions that grew out of African slavery. The class was still comparatively small, and had not yet attained the extraordinary license acquired after Louisiana became a part of the

United States, and the dangerous male element of the mulattoes was held in check until legal freedom and political license after the Civil War liberated its vindictive energies. Under the institution of slavery, the attack against the integrity of white civilization was made by the insidious influence of the lascivious hybrid woman at the point of weakest resistance. In the uncompromising opposition of the white mother and wife of the upper classes lay the one assurance of the future purity of the race; to her, nature intrusted the implacable instinct of race preservation, and to her influence is due the pure blood of the present ruling class and the final complete subordination of the fatal hybrid influence.

Throughout the whole colony there was a peculiar lack of authority and control. The clergy had little or no influence upon the life or morals of the people, and were themselves lax in the matter of discipline and regularity. Education was officially neglected, and there was no institution for the higher training of young men. The richer classes gave their sons European tutors, or sent them to France or Spain to the great universities or military schools, or, more frequently, to travel and acquire the polish and grace of manner that was even yet considered more essential to a gentleman than mental training of a more intellectual sort. As for the government, we have seen that it had been hampered in its Louisiana administration rather than aided by the code of laws provided by Spain. In this provision, the peculiar necessities of the people had been ignored and the relation of the colony to the rest of the American continent disregarded. It has already been shown, in a general way, how necessity compelled the local officials and finally the Spanish court itself to disregard their own laws. These obstructive laws were allowed to remain upon the statute books, but the officials who should have enforced them were told to disregard

them at discretion. Naturally such an irregular practice caused irregularities in the execution of the laws, and gave the officials a license of interpretation which had established a precedent for the total disregard of law by both officers of the government and the people. The judge administered justice more according to his individual conception than according to any code. The governor became a sort of benevolent autocrat. The legal conscience of the colony became as easy, as amiably complaisant, as the religious. The people, taught by necessity and precedent to disregard tax regulations, and especially external revenue laws, had been gradually worked into the belief that a national government was a grasping power whose decrees might be evaded or broken without disgrace or infraction of any moral law. The extent of this disregard of responsibility to the national government, natural as its growth had been under the European management, was not fully disclosed until the United States attempted to exercise some national control over the territory, and especially to stop the honorable and well-nigh universal habit of smuggling. The whole situation was typified a few years later by the final struggle made by the Lafittes against American innovations.

To understand fully the rather vague terms upon which the United States entered into their possession of the new territory, and to appreciate the uneasiness with which some portions of the country viewed this sudden, unexpected acquisition of a foreign race and a vast, undefined extent of unknown land with the tremendous responsibilities and the inevitable change of national policy which it entailed, it is necessary to bear in mind the condition of the country at the time, and to remember that the whole affair was conducted and finally settled, not by any arbitrary decision or in the pursuance of any conscious, well-defined policy, but was the slowly wrought result of the operations of chance, or, as some might pre-

fer to say, of the gradual working out of the events of natural necessity. Distant States, such as Massachusetts and the rest of New England, were almost totally ignorant of Louisiana and its people; and what knowledge they had inclined them to doubt the practical possibility of absorbing an alien race without disaster to the United States. The West, at first from motives of mere personal necessity and self-preservation, and finally from a consciousness of the national importance of the matter, had long seen that the possession of the Mississippi Valley, or at least the control of the river's course and mouth by the United States, was not only imperative but inevitable; and the pressure of Southern and Western influence had forced the national government into the course of action which had resulted in the acquisition of the whole of Louisiana. It should be ever borne in mind that the United States were yet a loose confederacy of independent sovereignties, each jealous of its individual liberties and prerogatives and each unwilling to surrender too much power to a national, centralized government. Jefferson was a strong States' rights advocate; and yet the circumstances of the Louisiana question had forced upon him an imperialistic policy and the assumption, according to the belief of some, of powers which the States had not delegated even to the national legislature, still less to the national executive. Nevertheless, he had done nothing more than accept provisionally the sudden, but not to be slighted, offer of France, merely to clinch the happy bargain until his action could be ratified by the government; and when he submitted the treaty of cession signed at Paris on April 30, 1803, by the American commissioners, to the special Congress convened by his proclamation on October 17th, he had stated the case plainly in one of his forceful, direct messages and asked the Senate to ratify it. The Senate had dealt with the question by separate bills. The first bill, authorizing the President to take possession of the new territory,

had been passed by the Senate on October 26th, by a vote of 26 to 6, those dissenting being John Quincy Adams and Timothy Pickering of Massachusetts, James Hillhouse and Uriah Tracy of Connecticut, Simeon Olcott and William Plumer of New Hampshire. On the 29th the House had passed a bill entitled, "An act authorizing the erection of a stock to the amount of eleven millions two hundred and fifty thousand dollars, for the purpose of carrying into effect the convention of the 30th of April, 1803, between the United States and the French Republic." This bill had come up before the Senate on November 2d, and brought forth opposition from Pickering of Massachusetts and White of Delaware. The opposition seemed to be willing that new territory be held subject to the United States, but objected to incorporating the inhabitants in the Union of States. The main argument advanced had been that a country as vast as the United States would then be, could not be governed centrally on account of the great diversity of interests between the sections and the lack of sympathy which distance would breed between them. The final secession of the West was predicted as the inevitable result. In fact, this objection was well founded from a purely contemporary and conservative point of view, and the far-sighted hopes of the expansionist party might indeed have come to nought, had not science, born of necessity, found means to annihilate distance and time by means of the railroad and telegraph, and weld an even vaster extent of territory into a whole of common interests. Tracy of Connecticut maintained that the new territory could not constitutionally be admitted as part of the United States without an amendment to the Constitution ratified by the universal consent of the States, acting individually. He expressed the fear that the admission of Louisiana would mean the "absorbing of the Northern States and rendering them as insignificant in the Union as they ought to be, if, by

their own consent, the new measure should be adopted." The necessity of holding New Orleans, and perhaps of ultimately acquiring the Floridas, was admitted; but the New England senators hesitated at accepting territory beyond the Mississippi, urging constitutional reasons as the grounds of their objection. Breckenridge of Kentucky showed the logical fallacy of this position. Finally J. Q. Adams of Massachusetts, who had opposed the first bill, now rose in support of the present. He took the reasonable stand that, while in his opinion the present case was one for which the Constitution had not fully provided and which demanded an amendment or rather an addition to the Constitution, the treaty of cession signed at Paris was thereby not at all affected in its validity. "Nothing is more common," he said, "in the negotiations between nation and nation, than for a minister to agree to and sign articles beyond the extent of his powers. This is what your ministers, in the very case before you, have confessedly done. It is well known that their powers did not authorize them to conclude this treaty; but they acted for the benefit of their country, and this House, by a large majority, has advised to the ratification of their proceedings. Suppose, then, not only that the ministers who signed, but the President and Senate who ratified this compact, have exceeded their powers. Nay, suppose even that the majority of States competent to amend the Constitution in other cases, could not amend it in this without exceeding their powers — and this is the extremest point to which any gentleman on this floor has extended his scruples — suppose all this, and there still remains in the country a power competent to adopt and sanction every part of our engagements, and to carry them entirely into execution. For notwithstanding the objections and apprehensions of many individuals, of many wise, able, and excellent men in various parts of the Union, yet such is the public favor attending the transaction which commenced

by the negotiation of this treaty, and which, I hope, will terminate in our full, undisturbed, and undisputed possession of the ceded territory, that I firmly believe if an amendment to the Constitution, amply sufficient for the accomplishment of everything for which we have contracted, shall be proposed, as I think it ought, it will be adopted by the legislature of every State in the Union. We can therefore fulfill our part of the conventions, and this is all that France has a right to require of us. France can never have the right to come and say: *I am discharged from the obligations of this treaty, because your President and Senate, in ratifying it, exceeded their powers;* for this would be interfering in the internal arrangements of our government. It would be intermeddling in questions with which she has no concern, and which must be settled altogether by ourselves. The only question for France is, whether she has contracted with the department of our government authorized to make treaties; and this being clear, her only right is to require that the conditions stipulated in our name be punctually and faithfully performed. I trust they will be so performed, and will cheerfully lend my hand to every act necessary for the purpose. For I consider the object as of the highest advantage to us; and the gentleman from Kentucky himself (Mr. Breckenridge), who has displayed with so much eloquence the immense importance to the Union of the possession of the ceded territory, cannot carry his ideas further on that subject than I do." The House bill to provide the funds necessary for the purchase of Louisiana then passed the Senate (November 3d) by a vote of twenty-six to five.

In the House of Representatives there had also been some sectional opposition to the acceptance of the new territory. The debate was more important here than in the Senate in its effect upon the subsequent government of Louisiana. Aside from the objections already referred

to, it was asserted that the inhabitants of Louisiana, being of foreign birth, could not be made citizens of the United States without submitting to the constitutional regulations governing the naturalization of foreigners, notwithstanding the fact that the treaty implied that they were to be admitted at once to the rights of citizenship. In answer to this, John Randolph of Virginia rose and said: "I wish to know in what manner the subjects of Great Britain settled around our Western posts were admitted to the privilege of citizenship, — whether it was not done by treaty, and not in the mode prescribed by law? How did the people at Natchez become entitled to the rights of citizens? Although born out of our allegiance, the moment our government was established over them, did they not possess of right a security of their lives and property? Could they not demand trial by jury in case of criminal prosecution? When I speak of their acquiring the rights of citizens, I do not mean in the full extent in which they are enjoyed by citizens of any one of the particular States, since they possessed not the right of self-government, but those rights of personal liberty, of personal security and of property, which are among the dearest privileges of our citizens. A stipulation to incorporate the ceded territory does not imply that we are bound even to admit them to the non-qualified enjoyment of the privileges of citizenship. It is a covenant to incorporate them into the Union, not on the footing of the original States, or of States created under the Constitution, but to extend to them, according to the principles of the Constitution, the rights and immunities of citizens, being those rights and immunities of jury trial, liberty of conscience, etc., which every citizen may challenge, whether he be a citizen of an individual State, or of a territory subordinate to and dependent on those States in their corporate capacity. . . . There is no stipulation, however, that they shall ever be formed into one or more States." It was also pointed out that the United States had ac-

quired by treaty and incorporated territory beyond the bounds of the original Thirteen States, and that a portion of that territory had once been a part of Louisiana, settled and largely occupied by the same people now to be incorporated.

Objection was also made to article seven of the treaty of cession, which stipulated that for a period of twelve years the ships of both France and Spain should be admitted to the ports of the ceded territory under the same duties as were imposed upon American vessels. It was noted that the eighth section of the first article of the Constitution provided that: "All duties, imposts, and excises shall be uniform throughout the United States;" and that the ninth section said that "No preference shall be given, by any regulation of commerce, or revenue, to the ports of one State over another." Hence, as ships of France and Spain were liable to an extra tonnage in all the Atlantic ports, the acceptance of the stipulation in the treaty in regard to their privilege in the ports of the new territory was contrary to the Constitution. Against this objection, it was argued that this stipulation offered no constitutional difficulty, as the preference given to the vessels of France and Spain in this special instance was merely part of the price paid for the new territory; that no preference was given thereby to one State over another, since Louisiana was a territory and not a State; and that "a complete discretion was left to the United States as to the time and manner of incorporating that territory into the Union, and that it was not necessary to do so within the twelve years during which France and Spain were to enjoy the privileges granted by the treaty." It was shown, moreover, that by the treaty of London a similar privilege had been granted the vessels of English colonies adjacent to the United States, and that the ports of New York on the Great Lakes were open to Canadian trade upon the same terms as were offered to citizens of the United States.

The House had then finally passed, by a vote of 85 to 7, the bill for raising the required funds, as has already been noted ; and had passed, by a vote of 89 to 23, the Senate bill authorizing the President to take military possession of the ceded territory and to appoint a provisional government.

The exact status which Louisiana was to hold in the Republic was thus left undecided, but the sentiment of both houses of the national legislature seemed against allowing it to have an independent government. The boundary question, likewise, was left undecided, and the already vehement protests of Spain on this subject were left for future settlement. That the United States intended to claim Mobile and West Florida as far as the Perdido River, on the grounds that these lands had been originally French, but that Spain intended to hold them upon equally valid grounds, was also certain. The most important step, however, had now been taken. As we have seen, the authorities had taken formal military possession of New Orleans and southern Louisiana. The precedent had finally been established for the growth of the country into a great nation. The policy of the government had definitely taken the path that was to lead it steadily to the Pacific Ocean and the removal of the influence of Spain, its last enemy upon the continent of North America.

CHAPTER X

LOUISIANA A TERRITORY OF THE UNITED STATES — THE BURR CONSPIRACY

THE abolition of the Cabildo left New Orleans without any government. The country parishes were likewise temporarily without authority. Governor Claiborne held for the present supreme control of the territory. While waiting for Congress to provide a scheme of local government, he appointed seven justices to form a provisional court of pleas in New Orleans. In its civil jurisdiction, this court was limited to cases that did not exceed three hundred dollars in the amount involved. Beyond this amount, cases could be appealed to the governor as final authority.

On the 26th of March, 1804, Congress made the following provisions for the territorial government of Louisiana. The former province was divided. That portion lying south of the 33d degree of latitude and the lower boundary of the Mississippi territory east of the river formed the Territory of Orleans. All the portion lying north of this line was called the District of Louisiana and annexed to the Territory of Indiana. Henceforward the present record may concern itself only with the Orleans Territory, later the present State of Louisiana. The executive powers of the territory were vested solely in a governor appointed by the President of the United States. He was to act as commander of the militia; he had the power of pardon and reprieve; and he had the authority to appoint all civil and military officials within the territory, save those named by the President.

A secretary was to be appointed by the President to record and preserve, under the governor's supervision, all executive papers, acts, and documents, to transmit exact copies of these with full reports every six months to the President, and to act for the governor in case of the latter's disability.

The legislative portion of the government was entrusted to the governor and a Legislative Council of thirteen freeholders, selected by him. The laws passed by this body might be annulled by Congress, to which they had to be submitted by the governor. The governor had complete power to convene and dismiss this Council.

The judicial powers lay in a Superior Court and such justices and inferior courts as might be established by the Legislative Council with the approval of Congress. The three judges of the Superior Court, the district attorney, the marshal, and the general officers of the militia were to be appointed by the President with the approval of the Senate.

The importation of slaves from foreign countries to Louisiana was forbidden, and they might be brought in from the United States only by owners who came for settlement.

The territory about Mobile, lying between the Pascagoula and the Mobile rivers, was to be made a separate judicial district of the United States. For the present, however, this district was claimed by the Spaniards.

In October, 1804, the following officers assumed authority under the act of Congress just mentioned: W. C. C. Claiborne, governor; Brown, Secretary; Bellechasse, Boré, Cantrelle, Clark, Debuys, Dow, Jones, Kenner, Mongan, Poydras, Roman, Watkins, and Wikoff, as members of the Legislative Council; Duponceau, Kirby, and Prevost as judges of the Superior Court; Judge D. A. Hall was district judge of the United States; Dickenson, district attorney; and Le Breton d'Orgenois, marshal.

The new government met with the disfavor of the people. Four of the members of the Legislative Council named refused to receive their appointments, other members would not attend, and Claiborne obtained a quorum only in December by filling in some blank commissions with the names of persons who he knew would accept. The people were aroused by the indignity which they felt had been put upon them by the United States in not allowing them to elect their own legislature, as was done in other territories. They were conscious that they were as fully capable of complete self-government as any other portion of the country, and felt that a narrow race prejudice alone had induced Congress to put upon them a despotism more absolute than the Spanish had dreamed of. They claimed that there was no longer any appeal from the decision of the governor, whereas, under Spanish rule, appeal might be taken to the captain-general of Cuba and even to the Council of the Indies. Moreover, the new governor was almost ignorant of both French and Spanish, and had no sympathy with the feelings of the native inhabitants. The hardship of being compelled to use English in the courts, the innovation of trial by jury, farcical as it was for many years, were hard crosses to the people. They finally sent a committee of three influential men, Derbigny, Destrehan, and Sauvé, to Washington to ask that the Territory of Orleans be admitted to the Union as a State. This request was refused for the present, with the promise, however, that the territory would be admitted as soon as the population amounted to 60,000. One distinct point, nevertheless, was gained by the petitioners. The people were to be allowed to elect a territorial legislature of twenty-five members, and this legislature was to select and send to the President the names of ten persons, from whom he would appoint a legislative council or senate of five members.

Nevertheless, the general discontent was scarcely

lessened. Governor Claiborne distrusted the loyalty of the Creoles, and seems to have attributed their failure to appreciate all American institutions to ignorance and racial inferiority. This feeling was shared by many of the men whom he put into office and by the national government. The Creoles, on the other hand, accused the governor of reserve, of favoritism, of motives of personal interest in his political methods. Such misunderstandings were perhaps inevitable until time could bring about a partial fusion of the alien elements. The American newcomer, full as he was of young republican conceit, had to learn to appreciate the qualities of the civilization which was now old in Louisiana and to adjust himself to the habits of a people not yet absorbed in the sole pursuit of business and money-getting and as yet uninitiated into the noble game of American politics. In truth, the Creoles had a bad foretaste of the American lawyer and American politician. For example, Congress had passed an act declaring null and void all grants of crown lands made by the Spanish in Louisiana between the time of the treaty of Ildefonso and the transfer to France, with the exception of such lands as had been actually settled before December 20, 1803. The President had appointed registrars and recorders of land titles to investigate titles acquired under the Spanish and French governments. He also appointed commissioners who had authority to pass summary decision upon all land claims. The sharp practices of some of these men and of the lawyers who crowded into this fruitful field in hope of plunder gave the native Louisianians a practical insight into the business methods of their future competitors that was disheartening.

As English had been established as the official language of the government and courts of justice, difficulties and discontent arose from this cause. Judges were compelled to understand both French and English, for the native population clung tenaciously to their mother

tongue, refusing to learn the "foreign idiom," and the American newcomers showed the usual Saxon stubbornness in refusing to acquire the native language. While the struggle between the two races and languages continued, confusion was the inevitable result. Trial by jury was established as a fundamental American institution, and as jurors were chosen by lot, it often happened that certain members could not understand a word of English while others were totally ignorant of French. Interpreters were therefore employed in every case to translate the testimony of witnesses and the judge's charge and rulings, and in many cases it was necessary to employ two lawyers on each side, one French and one English, so that the jury might have some opportunity of following the full argument of the counsel, which, of course, could not be hampered by the translation of the interpreter. Petitions, answers, citations, and writs were made in both languages. But the new jurors suffered much hardship by being compelled to sit and listen to long arguments in a language which was often incomprehensible, and finally a unique and comfortable compromise was effected. When an English-speaking lawyer rose to present his argument, the French-speaking portion of the jury were allowed to leave the court and walk and smoke in the corridors until the argument had been concluded. Then when a lawyer rose to address the court in French, the sheriff cried aloud: "Gentlemen of the jury who are outside, please come into court." The Creoles then filed into court and took their places, and the Anglo-Saxon jurors retired to enjoy a similar recess.[1]

The final fusion of the two races, however, and the final combination of the essentials of the two types of civilization was but a question of time. The same natural necessity which compelled the United States to

[1] "New Orleans Bench and Bar," by Charles Gayarré, *Harper's Magazine*, November, 1888.

absorb the Mississippi Valley likewise bound Louisiana in interest and sympathy to the rest of America, and the native-born Creole was not more slow to recognize this fact than was the Anglo-Saxon Westerner. The differences between the two races were caused by the natural jarring of diverse hereditary ideas at the first close contact, until a generation of residence had made the newcomer to Louisiana a citizen by ties of birth and until the Latin inhabitants had grown used to the new union with the other states and felt a community of interests. Some national danger or crisis was perhaps necessary to perfect this union, but before that day came, — though it came sooner than any expected, — the preparation for this reconciliation of alien elements was wrought by the new governor. Claiborne undoubtedly lacked the firm decision, the heavy hand, the sure grasp of authority that characterized O'Reilly, his Spanish predecessor in Louisiana's former process of reconstruction, but he possessed other qualities of vastly greater importance in the present instance. His personal dignity, generosity, and affability won the respect and admiration of his people after the first chill of his natural reserve had been removed. He himself gradually lost his first prejudices and early distrust of the Creoles in his intercourse with the open, impulsive people, and he found it natural to make concessions to hereditary and racial convictions and feelings to which his own race and training had made him a stranger. He forbore from interfering with the utterances of the public journals, even when they were hostile to him, and slowly, by his sheer personal worth as a man, won the respect and trust which the Louisianians could not feel for the government which he represented or for the politicians who aspired to govern them as dependents.

Under his direction and that of the Legislative Council the Territory of Orleans was divided into twelve cantons or *counties*, as they were first called, — Orleans,

German Coast, Acadia, Lafourche, Iberville, Pointe Coupée, Concordia, Attakapas, Opelousas, Rapides, Natchitoches, and Ouachita. The lines between these divisions were so indefinite, however, and their size so varying and disproportionate, that in 1807 it was found necessary to redivide the territory into nineteen parts, now called "parishes," as the old Spanish ecclesiastical districts were used as the basis of division. Four parishes were later added to these from the West Florida territory, and further subdivision has taken place consistently with the growth of population and political convenience, until to-day the parishes number fifty-nine.

Thus the territorial government of Louisiana as an integral part of the United States was set in practical operation and the process of assimilation begun; but the process was slow and hindered yet a while longer by the proximity of a hostile foreign power. The old Spanish question had by no means been settled, for while the American government was establishing its forms and institutions in the Orleans Territory, Spain still retained its hold of West Florida, with garrisons at Baton Rouge and Natchez, and Casa Calvo still lingered in the new American territory, a source of suspicion and disquiet to the American officials. The Spaniards, with whom the dispute for the use of the river began, felt themselves duped throughout the whole transaction, and had not yet recognized the boundaries claimed by the United States as separating the Spanish provinces of the Floridas and Texas from the newly acquired lands of the United States. Nor had the seeds sown by the Spaniards and by Wilkinson and their other agents ceased to bear fruit of discord. On the western frontier of the Orleans Territory the Spanish troops held possession up to the town of Natchitoches, although the United States claimed that the act of cession included all this territory in the old French province of Louisiana. The United States claimed, and had a right to West Florida, including

Mobile, yet the Spaniards held that town and even retained, as has been said, the posts of Baton Rouge and Natchez. Jefferson was always for peace, and did not press the claims of the United States too urgently upon the Spaniards, as he felt that his country was not yet ready to take actual possession, for the position of the country in reference to England and France was far from settled; trouble seemed almost certain, and it was known that neither France, Spain, nor England would refuse any fortunate opportunity to gain a foothold in the Mississippi Valley. Nevertheless, though the executive hesitated, many of the Westerners were eager to settle at once with the Spaniards, and some even more enthusiastic spirits, yet glowing with the spirit of the Revolution, were eager to strike hands with the growing revolutionary party in the Spanish provinces themselves and set up the new Goddess of Liberty in Texas and Mexico. With these facts in mind, one is prepared to understand the spectacular appearance of Burr and his associates in its true light — as a belated aftermath of the old frontier disputes with Spain. It was a halcyon time for the filibuster. Especially in the province of West Florida was the opportunity ripe, for here the Spaniards held territory claimed by the United States, here a revolution had already been attempted and Anglo-Saxon residents arrested by Spanish troops; and here the filibuster and the revolutionist might do his work and feel sure of the ultimate support of the people of the United States. Thus, in the spirit of antagonism against monarchy set in operation by the American Revolution, in the peculiar conditions of life on the western frontier, isolated from the rest of the confederacy and exposed to Spanish interference, and finally in the effect produced by the French revolution upon the colonies of Spain in America, are found the causes of the scheme which entered the head of no less person than the Vice-President of the United States.

On the evening of July 25, 1805,[1] an elegant barge, manned by ten expert oarsmen, gay with colors, and equipped with sails, landed at the New Orleans levee, and Aaron Burr reached the end of his long journey through the Ohio and Mississippi valleys. He came assured of a hearty welcome, not only officially as ex-vice-president of the country, but personally through his own agreeeble and brilliant manners. He had also a private letter of introduction from General Wilkinson to Daniel Clark, one of the most influential citizens of the town. Burr was received with honor, dined, and entertained by Governor Claiborne, by Clark, and all the prominent men of the place, and his fascinating personality won him friends here as it did everywhere. On these grounds, Henry Adams[2] states that Burr found his chief allies in the Creoles of New Orleans and the members of the Mexican Association there. As a matter of fact, no motive of Burr's visit was publicly assigned beyond the general impression that he was seeking information that might be useful in an attack upon Mexico in case war broke out with Spain, as then seemed inevitable. Moreover, in his conferences with private persons, Burr revealed no more of his plans than this. On these grounds he had been received everywhere with enthusiasm by those who wished war with Spain, by Gen. Andrew Jackson, and by prominent men in Louisville, Nashville, Lexington, Frankfort, and Cincinnati. The only persons who might at this time have charged him with treasonable designs against the United States were General Wilkinson, commander of the armies of the United States, and the English minister Merry at Philadelphia. Both of these were silent from motives of their own. In the likely event of war with Spain, New Orleans would be an important point, and in this city the Mexican Association had been formed for the pur-

[1] See the *Orleans Gazette*.

[2] *History of the United States*, vol. iii, p. 223.

pose of gathering information about that country to be used as soon as war should be declared. This association was composed of about three hundred members. Judge Workman and John Watkins, then mayor of New Orleans, were prominent in it. As it was generally understood that Burr was planning an attack upon the Spaniards, and as the impression had gotten abroad that he was secretly supported by the United States government, he was received with enthusiasm by the Mexican Association and by all patriotic citizens, including Governor Claiborne. Burr was received as New Orleans has always received her guests of honor; and so little was treason suspected that, when such rumors finally began to circulate after Burr's departure, Clark wrote to Wilkinson that the idea was so ridiculous that he should "amuse Mr. Burr with an account of it."[1] There was, however, a sinister side to Burr's project, and New Orleans was to feel the evil effects of it.

Before setting out upon his western tour, Burr had proposed to the English minister Merry that the British government supply him with men, vessels, and especially money to aid his scheme. In order to get money from England, he told the minister that the Mississippi Valley could easily be detached from the Union and won by England. It is impossible to decide with absolute certainty to what extent Burr was prepared to go in this dalliance with treason, but there is good reason to believe that he intended merely to obtain the money for his own projects against the Spanish province of Mexico and then to abandon his English backers.[2] Merry was sanguine of success, and recommended that aid be given to Burr; but his government looked with shrewd skepticism upon the project and kept its money. Burr seems to have relied for the actual operation of his schemes chiefly upon General Wilkinson, then in Missouri as governor

[1] Wilkinson's *Memoirs*, app. xxxiii to vol. ii.
[2] W. F. McCaleb's *The Aaron Burr Conspiracy*.

of what was at that time called the District of Louisiana. He apparently soon abandoned the hope of aid from England, and relied for recruits chiefly upon the eagerness of the Westerners to fight the Spanish. His full confidence was given to General Wilkinson, but to men like Jackson and Adair and to the Mexican Association in New Orleans his scheme was stated as a proposed conquest of Texas and Mexico as soon as war should be declared. To all the people of the country war seemed inevitable, and many were eager to join Burr in his campaign. There was so little secrecy in all this, that Merry complained, after Burr's return from his western tour, that he had been "deceived" and the scheme made public. Nevertheless he again listened to Burr's seductive talk, and again asked his government to advance money for the detachment of Louisiana from the United States, as Burr assured him that this could be easily accomplished.

Meanwhile Jefferson, always eager to settle difficulties peaceably, had gotten a bill through Congress appropriating $2,000,000 to buy the Floridas from the Spanish. The prospect of an amicable settlement with Spain was by no means to Burr's taste, as he wished to conduct his expedition under sanction of the government, and this could be done only in the event of an actual declaration of war. There was a strong sentiment throughout the country in favor of war. Especially in Louisiana there was an eager party waiting for the opportunity to drive the Spaniards away from the frontiers and liberate Texas and even Mexico. Editor Bradford of the "Orleans Gazette" was especially earnest in his advocacy of war. Burr seems to have determined to push through his project of attacking Mexico at any hazard. By means of General Wilkinson, he hoped that a conflict might be precipitated on the unquiet western frontier, and that the temper of the people thus aroused would force the country into the war. In the mean time, however, it was necessary,

in view of Jefferson's negotiations, that the Spaniards should be deceived as to his intentions. He therefore approached the Spanish minister Yrujo and deceived him with arguments even more preposterous than those which he had served to Merry. The plan suggested by Burr to Yrujo included not only the secession of Louisiana but even the seizure of the President and the capture of the United States Treasury. Such a preposterous plan cannot have been intended by Burr to serve any other purpose than that of blinding the eyes of the Spanish minister against the real object of his undertaking.

The Spanish officials of Mexico, however, had now become thoroughly apprehensive. Salcedo, then Captain-General of the Internal provinces of Mexico, had received at Chihuahua a report that a force of "Kentuckians" was being prepared to make an invasion of his territory.[1] Antonio Cordero, governor of the Province of Texas, Francisco Viana stationed at Nacogdoches, and Morales at Pensacola, all had heard in some way of Burr's intended expedition, and all had forwarded reports. Troops were hurried forward and massed along the Sabine frontier of Orleans Territory in the spring and early summer of 1806. A detachment under Herrera even crossed the Sabine and approached Natchitoches within the Orleans Territory.

At this crisis, the fourth of July was celebrated in New Orleans by both "Americans" and Creoles with a patriotic enthusiasm which elicited a glowing report from Claiborne. Salutes were fired, fireworks let off, speeches were made, and the theatre produced a patriotic play entitled "Washington, or the Liberty of the New World." Editor Bradford of the "Orleans Gazette" produced strong editorials full of patriotism and warlike enthusiasm. When the news was published in the "Gazette" that nine hundred Spaniards were encamped twelve miles from Natchitoches, where Major Porter was sta-

[1] McCaleb, quoting the Bexar Archives at San Antonio.

tioned (at Fort Claiborne) with but one hundred men, the governor, who chanced then to be on leave of absence in the Mississippi Territory, issued a proclamation jointly with Cowles Meade, acting governor of that district, calling upon the people of both territories to volunteer and aid the troops in expelling the Spaniards. Claiborne requested, as he had been ordered from Washington, that Herrera be told to withdraw beyond the Sabine; but Colonel Cushing replied to Claiborne that this would be contrary to orders he had received from General Wilkinson. Claiborne, with good reason, began now to feel that "all was not right."

Wilkinson had been ordered by the government in May to go to the Sabine frontier, but still delayed at St. Louis. Burr was in correspondence with him, endeavoring to arrange a programme by which Wilkinson should provoke hostilities with the Spaniards and thus give an excuse for the starting of Burr's expedition. On July 29, 1806, Burr wrote his famous letter to Wilkinson, stating that his detachment would be ready on the Ohio by November 1; that Wilkinson would be second only to himself; that English aid had been secured; that he would move down the Ohio and Mississippi with five hundred or one thousand men, join Wilkinson at Natchez in December, and perhaps capture Baton Rouge from the Spanish. This was, of course, contingent upon Wilkinson's success in precipitating a fight with the Spaniards. No mention was made of detaching Louisiana from the United States or of attacking New Orleans. This letter, however, was delayed and did not reach Wilkinson until he was on the Sabine and a new aspect of circumstances had produced in him a change of feeling.

Meanwhile, ere yet the general had appeared, Herrera became uneasy at the preparations being made by Claiborne and Meade, and drew back fifty miles from Natchitoches to wait for reinforcements, though he was reported to have one thousand men with him. The

people of Orleans Territory were eager to be called into service, and Bradford's call for volunteers in September in the "Gazette" met enthusiastic response.

General Wilkinson joined Claiborne on the frontier in September, 1806. A militia force had been gathered there by the governor, but General Wilkinson announced that he would not order an advance until he had "penetrated the designs of the Spaniard" or "found him deaf to the solemn appeal which I shall make to his understanding, his interest, and his duty." From the moment of his arrival, however, he did all in his power to produce a vague impression that a great plot against the very existence of the nation was afoot and that the government rested over a mine that might be expected to blow up at any time. He ordered that all the troops in New Orleans be concentrated on the frontier under his own personal command. Claiborne promised four hundred men, but refused to leave New Orleans defenseless against attacks from Florida.

The governor returned to New Orleans in October, leaving the general to pursue his own designs. Wilkinson then sent word to Herrera as well as to Governor Cordero that the Spanish troops must be withdrawn. Cordero replied that he was compelled to obey orders and therefore could make no final move till he should have received orders from Salcedo. Herrera, however, feeling his weakness, withdrew from Bayou Pierre and crossed the Sabine to the Texas side.

It seems that General Wilkinson now saw that there was but little chance of provoking a fight, and his interest in Burr's projects began to wane. He began a change of tactics very different from his first martial utterances and more in accord with his old relations with the Spaniards in the days before American possession. He began to pave the way for a profitable intercourse with them, and, at the same time, in order to increase the importance of his entirely fictitious services to the country,

assiduously spread reports of conspiracy and danger to the Union.

He now had a free hand on the frontier, and, while writing that he would continue actively to "wipe off the stigma which cavilers may attach to the Spaniards' repossession of the country from which we had driven them," and that he would march at once to the Sabine and hold the country, he had no intention of doing such a thing, for he wrote to Governor Cordero at Nacogdoches, "I shall dispatch my troops to the Sabine, and I hope you will interpret the motive only as signifying the pretensions of the United States to the east bank of the river, and not as an act of hostility against the Spanish troops." Even after this warlike message he delayed to move forward, and on October 8, Swartwout arrived with Burr's belated letter of July 29. The general had now determined to betray Burr and magnify both the crime and the danger for his own greater glory and gain. Yet for two reasons he seems to have hesitated to report the matter at once to Jefferson, — first, because Burr's little party would be easily and immediately stopped and the whole supposed huge conspiracy collapse like a pricked bubble; and second, because there was yet a faint chance of war and yet a bare possibility that in that event Burr might be able to raise a respectable force. In this case, the general wished to be in a condition to return to Burr and share in his enterprise if it should offer any prospects of success. Thus, while matters remained so undecided, he regulated his actions so as to be able to turn to the side which would ultimately promise him most advantage, and he skillfully left ways open by which he might join either the Spaniards or Burr and yet keep his credit and favor with President Jefferson. He therefore waited to write to Jefferson until October 20, and then he employed only the most ambiguous terms. He claimed not to know the names of the conspirators in the plot at which he hinted

darkly, but predicted colossal and inexpressible dangers which threatened to involve the whole country in ruin; he nevertheless expressed the confident belief that he could win over the associates and check the plot. While this message was on its way to alarm the President, General Wilkinson told Colonel Cushing, on charge of utter secrecy, that a gigantic plot was on foot, and left the colonel's imagination to supply the details. He wrote to Colonel Freeman, commanding at New Orleans, hinting at direful dangers, and urging him to fortify the place at once, but to preserve the utmost secrecy. At last, on October 29, he marched down to the Sabine without meeting a Spaniard. There he stopped and wrote letters to Cordero and Herrera suggesting the terms of a peculiar treaty by which each side, without yielding any of its claims, was to remain, the one at Nacogdoches, the other at Natchitoches, leaving the intervening territory neutral and unoccupied by either party. The Spaniards were not to cross the Sabine, and the United States troops were to remain east of the Arroyo Hondo (Bayou Funda). Cordero would enter into no agreement, even though Wilkinson thus generously left vacant, contrary to his orders, the territory claimed by the United States. Herrera, however, was more amenable, and these two unauthorized agents between them patched up the Neutral Ground Treaty, which was a source of trouble and annoyance to the United States at a later time. The general then read the treaty to the troops, announced that their object had been obtained, praised them all generously, and ordered them back to Natchitoches. He did not announce, however, that the Americans were not to go beyond Bayou Funda. The Louisiana volunteers were of course disappointed at this unexpected end of the campaign, but their minds were soon occupied by the rumors which the general set in circulation and the surmises which his air of mystery caused to be made. He wrote

to Colonel Cushing: "By letters found here the plot thickens; yet all but those concerned sleep profoundly. My God! what a situation has our country reached! Let us save it if we can!" And again: "Hurry, hurry after me, and if necessary let us be buried together in the ruins of the place we shall defend." He urged Freeman to hasten the work on the feeble defenses of New Orleans, but to remain "silent as the grave."

General Wilkinson then set out himself for New Orleans by way of Natchez. He reached this place on November 11 and joined Major Estevan Minor, a Spanish officer still there under his royal commission. From Natchez he wrote to Governor Claiborne:[1] "You are surrounded by dangers of which you dream not, and the destruction of the American government is seriously menaced. The storm will probably burst in New Orleans, where I shall meet it and triumph or perish. . . . I have little confidence in your militia, yet I trust we may find a few patriotic spirits among them." Upon Claiborne, also, he urged unutterable secrecy, and yet nothing would have disappointed the general more than that a rumor of this secret should not get abroad. He was assiduous that it should, for he whispered his secret in every ear. He wrote again to President Jefferson:[2] "Many circumstances have intervened since my last, confirmatory of the information received, and demonstrative of a deep, dark, and wicked conspiracy, . . . embracing the young and the old, the Democrat and the Federalist, the native and the foreigner, the patriot of '76 and the exotic of yesterday, the opulent and the needy, the ins and the outs; and I fear it will receive strong support in New Orleans. . . . You will perceive on inquiry that my means are greatly deficient, but may rest satisfied that nothing shall be omitted which can be accomplished by indefatigable industry, incessant

[1] Wilkinson's *Memoirs*, vol. ii, p. 328.
[2] *Memoirs*, vol. ii, App. C.

vigilance, and hardy courage; and I gasconade not when I tell you that, in such a cause, I shall glory to give my life to the service of my country; for I verily believe that such an event is probable; because, should 7000 men descend from the Ohio, and this is the calculation, they will bring with them the sympathies and good wishes of that country. . . . With my handful of veterans, however gallant, it is improbable that I shall be able to withstand such a disparity of numbers; and it would seem that we must be sacrificed unless you should be able to succor me seasonably with two thousand men and a naval armament. . . . To give effect to my military arrangements it is absolutely indispensable that New Orleans and its environs be placed under martial law. . . . Were my intentions exposed, there are more than three desperate enthusiasts in New Orleans who would seek my life; and though I may be able to smile at danger in open conflict, I will confess I dread the stroke of the assassin because it cannot confer an honorable death."

Meanwhile Burr had remained quietly in the Ohio country waiting for war with Spain to begin, and of course unable to organize his party. As a result of Wilkinson's efforts, wild rumors were afloat. A Kentucky paper, "The Western World," through its editors Wood and Street, attempted to fasten the charge of treason upon Burr as the satanic individual at the bottom of the plot. Charges had been brought against him in Frankfort during November, 1806; he had voluntarily appeared, and the charges had been dismissed as groundless. While General Wilkinson was making his extraordinary efforts to defend New Orleans, Burr was quietly in Cincinnati. Again, in November, a grand jury at Frankfort made inquiry into Burr's conduct. No charge of treason was made, but it was announced that at the trial Wood and Street would produce proofs that should convict him of this crime. When the editors were actu-

ally summoned, however, each acknowledged that he had no information beyond the current rumors, and Wood finally stated that he had become convinced that Burr had no treasonable intention. The jury returned the indictment, "No true bill." Meanwhile the President and the Cabinet, moved by General Wilkinson's former letters, had warned the commanders of the western militia to be on their guard in case any actual move should be made by the filibusters, and on November 27, 1806, Jefferson issued his proclamation ordering the dispersal of Burr's party on the Ohio and forbidding citizens of the United States from joining it. No charge of treason was made, for no act of treason had been committed; but the proclamation threw the West into a panic, for it lent color to Wilkinson's reports of conspiracy. The President also gave Wilkinson full authority over New Orleans.

Wilkinson had left Natchez for New Orleans on November 25, but before leaving he had accomplished an interesting piece of business. From Estevan Minor he obtained passports for Walter Burling, his aide-de-camp, to go to Mexico, ostensibly to purchase mules and carry a letter of importance to the viceroy, but also to survey the road and gather information that might be useful in any turn of events. The letter[1] which the Viceroy Iturrigaray wrote to Minister Cevallos, reporting the matter, gives the contents of General Wilkinson's communication, which were a pretended revelation of Burr's contemplated attacks, assurances that the writer was risking his very "life, fame, and fortune to save, or at least protect" Mexico from this danger, and demands for money amounting to $111,000. Incidentally the United States government paid the expenses of this triple-purposed mission.[2]

[1] McCaleb, *The Aaron Burr Conspiracy*, pp. 168, 169.

[2] The viceroy refused to consider these propositions, and sent Burling back by schooner to New Orleans.

When General Wilkinson returned to New Orleans in November, he found the city in a proper state of alarm and uncertainty, but ready to exhibit an active loyalty that would have interfered disagreeably with the truth of the insinuations which he had made against their patriotism to the President. The hasty preparations for strengthening the city, the utter secrecy with which the work had been conducted, and the air of gloomy mystery which the military and even the governor had caught from the general,[1] all conspired to put the minds of the people in a state of uncertainty and apprehension that furnished fruitful soil for the sowing of rumors. In order to prevent this feeling from resulting in any public expression that would exhibit too plainly and quickly the readiness of the people to take arms against any enemy of the government, the general endeavored to persuade Governor Claiborne not to order the militia to be in readiness for service. On the other hand, he filled the governor's ears with hints of plots in the city and negro uprisings in the parishes, in order to prepare his mind for the proclamation of martial rule and the suspension of the writ of *habeas corpus*. Claiborne's apprehensive nature was thoroughly alarmed. He busied himself with the preparations suggested by the general, and expressed his fears to Acting Governor Cowles Meade of Mississippi in a letter of warning which received the unexpected reply that the loyalty of the people could be relied upon to repel any danger that might threaten, and that, if there were in truth any such conspiracy as to require such elaborate preparations for defense, General Wilkinson himself was at the bottom of it. This premature expression of common sense got Meade his dismissal from office by Governor Williams and General Wilkinson, on the grounds of complicity in the conspiracy. On December 9, 1806, Governor Claiborne, at the suggestion of General Wilkinson, convened the New Orleans

[1] *Orleans Gazette*, March 31, 1807.

Chamber of Commerce. Wilkinson addressed the meeting. He announced that Burr intended to immediately attack New Orleans with two thousand men, use the place as a base of supplies, conquer Mexico, and then separate the Western States from the rest of the Union. He said that armed but disguised vessels were to come up the river from the Gulf to aid in the capture of the city, and that, to guard against this danger, the Chamber of Commerce should donate money to equip a force on the river that might act as a defense and attack Burr before he reached Natchez. The general and the governor withdrew from the meeting after this disconcerting announcement, and the Chamber proceeded to declare an embargo and agreed to release any sailor from their merchant vessels who would enlist in the naval force suggested by the general.

The mysterious danger which had so long caused uneasiness and alarm was at last made public, and the feeling of relief was immediate. Wilkinson's secrecy had been for two months in ostentatious travail, and, like Horace's mountain, brought forth a mouse. There were nine hundred men fully armed in the city besides the volunteer force that was ready for service at a moment's notice, and, moreover, all the citizens not members of any regularly organized company had pledged themselves to be "ready when called upon by the constituted authorities to support the government of the United States." The huge conspiracy, which, in the general state of vague alarm and uncertainty, had assumed vast proportions, was now shrunk, by the general's announcement, to a possible force of two thousand, of whose existence there was still no visible evidence. Even Governor Claiborne was disconcerted by the expression of sudden relief which the announcement had caused, for he writes: "Many good disposed citizens do not appear to consider the danger considerable, and there are others who (perhaps from wicked intentions) endeavor to turn our preparations into ridicule; but these things have no effect on my

mind." The merchants began to regret having consented to part with their sailors, and did not furnish them. General Wilkinson urged Claiborne to impress the sailors, and, on December 14, 1806, when he found that the governor balked at the last leap, took matters arbitrarily in his own hands and placed the city under military rule. On general suspicion he arrested Bollman, Swartwout, and Ogden. The two former were sent at once to Washington, and of course could not be reached when writs of *habeas corpus* were obtained in their behalf. Judge Workman of the county of Orleans granted a similar writ in favor of Ogden and obtained his release, but Wilkinson had him rearrested together with a Mr. Alexander and sent them to Fort St. Philip. Alexander was later sent on to Washington without sufficient clothing to protect him from the cold.[1] John Williamson and Edward Livingston applied to Judge Workman in behalf of Alexander. Wilkinson refused to recognize the writs issued or to reveal where he had secreted his prisoner. Judges Hall, Mathews, and Workman now asked Claiborne whether he meant to assist the civil authorities or Wilkinson. The governor, however, remained in helpless indecision. Livingston now moved for an attachment against Wilkinson. Judge Workman appealed twice in vain to Claiborne, and then on January 12, 1807, adjourned the court of the county of Orleans *sine die* and resigned his office. General Wilkinson denounced Judge Workman as a partisan of Burr, had him arrested, and sent him to Natchez. He also arrested Bradford, the editor of the "Gazette," but released him. On January 14, General Adair came to New Orleans in ill health and put up at a lodging-house. Wilkinson sent one hundred and fifty men to the house, seized him, paraded him through the streets sick as he was, put him on a vessel, and sent him north.[2] Burr, meanwhile, was at

[1] *Orleans Gazette*, April 17 and March 31, 1807.
[2] See the account in the *Gazette* of April 3, 1807.

Nashville with two flatboats, waiting for enough men to go down the river and settle upon the Washita lands which he had purchased from the old Bastrop grant.

New Orleans had now completely forgotten the conspiracy, in the excitement and indignation caused by General Wilkinson's acts. The embargo enforced on the port since December 9, caused such unnecessary loss of business and produced such general discontent that it was removed, but a strict watch was kept along the river, and armed vessels were stationed at Natchez to destroy Burr's flotilla of flatboats if it should appear.

On January 12, 1807, the Legislative Council met. Claiborne in his message presented a history of the conspiracy and still expressed his belief that there were traitors in the city. General Wilkinson's oft-told tales were repeated. The Legislative Council replied by declaring their loyalty to the United States, repudiating the idea of disloyalty in the territory, expressing general skepticism towards the conspiracy itself, and stating boldly in behalf of the people, "there is no perfidy, no treason to be apprehended from them by the general government. If they do not yet possess all the privileges enjoyed by the American citizen, they already set so much value upon the rights which have been granted to them, that their late privation of those rights in the present stormy circumstances has created among them the most serious alarms." They also refused to suspend the writ of *habeas corpus*, and declared their intention of investigating Wilkinson's "extraordinary measures." They drew up also a memorial[1] to Congress, giving a history of Wilkinson's acts. "Though nothing can justify, yet circumstances of extreme danger in the moment of invasion, during the suspension of civil authority, might excuse some of these violent measures. But here no foreign enemy or open domestic foe was then, or has yet been proved to have been within any perilous dis-

[1] See *Gazette*, March 20, 1807.

tance of this city, or that treason lurked within our walls." General Wilkinson's acts were characterized as "too notorious to be denied, too illegal to be justified, too wanton to be excused."

The farce, so far as General Wilkinson was concerned, was complete when, on January 14, 1807, he announced that he would ascend the river and crush Burr's advance-guard of two thousand men before it could reach Natchez. He did not know that while the council was in session, Burr and the remnant of his party were at Bayou Pierre. Burr's fifteen flatboats and provisions had been seized on the Muskingum on December 6, and Blennerhasset's Island had been raided a few days later to stop what was considered the preparations for a filibustering expedition against the Spaniards. Burr had long since abandoned his Mexican scheme, in view of the prospect of agreement between the United States and Spain, and on December 22 he had set out with a few hired men in two flatboats, intending to go to his Washita lands. On the way he had been joined by Blennerhasset and about sixty men, a greater number than he had expected, for he had been compelled to order additional supplies. There was so little secrecy in his movements that he offered to take messages for the commander of Fort Massae down the river, and an examination of his boats by the military disclosed nothing of a suspicious nature. A nephew of the wife of General Jackson went with the party and carried a letter of introduction from General Jackson to Governor Claiborne. This was the dreaded armament against which General Wilkinson's heroic efforts had been directed. When the little fleet of ten flatboats reached the Mississippi Territory, they met the evidences of the terror which Wilkinson had so successfully aroused there. When Wilkinson received word that Burr was at Bayou Pierre, he beseeched Governor Williams to arrest him. Cowles Meade had the hardihood to visit Burr at Bayou Pierre and induce him to go to Washington, the

capital of the Mississippi Territory, to answer the charges about to be brought against him before a grand jury. Burr was tried and declared innocent. Nevertheless, Governor Williams ordered him arrested a second time. Wilkinson was of course interested that Burr should not escape, and there is considerable reason to believe that he had secret officers under orders to take Burr and even to kill him if he offered resistance.[1] Burr, seeing that no justice would be done him, attempted to escape. He was arrested near Fort Stoddart, tried finally at Richmond, and acquitted of the charge of treason.

Meanwhile Wilkinson's arrests in New Orleans had attracted the attention of the government at Washington, and drew upon him the censure of Congress. The prisoners whom he had sent north were immediately released, and one of them, General Adair, recovered twenty-five hundred dollars damages from him for false imprisonment. In New Orleans the opposition to the general grew so strong after the whole *fiasco* had been exposed, that he felt called upon to defend himself to the President by slandering the people, and begged that he might not be left longer to suffer the ingratitude of the treacherous people whom he had defended. Governor Claiborne and President Jefferson, likewise, came in for a share of the ridicule which General Wilkinson's course had provoked, for both of these had been the dupes of his fertile imagination.

Freed at last from the haunting spectre of conspiracy and the incubus of military despotism, the Territory of Orleans resumed the work of forming its government. In 1806, James Brown and Moreau Lislet had been appointed by the Legislative Council to prepare the draft of a civil code. The delicate task of bringing the mass of ancient French and Spanish law into accord with the institutions of the United States was accomplished, at least in outline, when Brown and Lislet, in 1808, re-

[1] McCaleb, *Aaron Burr Conspiracy*, pp. 274, 275.

ported their "Digest of the civil laws now in force in the Territory of Orleans, with alterations and amendments adapted to the present form of government." [1] This code, based upon that which Napoleon had promulgated in 1804, was later revised by Livingston, Derbigny, and Lislet, and adopted in 1825 as the Civil Code of Louisiana.

Yet, in the midst of this work of adaptation and the peaceful formation of sound internal regulation, unquietness and disorder troubled the borders. The Spaniards had not yet been settled with, and the exact boundaries had not been determined. The United States claimed, it must be repeated, that the act of cession by which they acquired the whole province called Louisiana included all the territory which, under that name, had originally belonged to France and had been ceded by that country, through the treaties of 1763–64, to Spain. The western line had been left purposely vague, as has already been noted. The eastern line was also not definitely marked, but the French had colonized and held West Florida, including the town of Mobile, up to the Perdido River. Beyond this point lay the undoubtedly Spanish possessions of East Florida. Upon such grounds the United States based their claim to West Florida. The territory in question, however, had been transferred by Spain to Great Britain in return for Havana, and had been held by that power until the American Revolution, when the Spaniards of Louisiana under Galvez had recovered Baton Rouge, Mobile, Pensacola, and the whole country which they had originally settled as well as the country colonized but abandoned by France. When Napoleon transferred to the United States all the claims of France to its original territory in North America, Spain retained possession, not only of its original colonies of East Florida, but West Florida as well, that is to say, all that Galvez had won from Great Britain and had subse-

[1] See Judge Martin's *History of Louisiana*.

quently been held as Spanish territory, roughly speaking the land lying between the Perdido and the Mississippi and including Baton Rouge and Mobile. Jefferson's conciliatory policy had prevented him from attempting to take possession of this territory, though claimed by the United States, and the Spaniards had been allowed to remain. Governor Folch, stationed at Pensacola, ruled both the Floridas for the Spaniards, and Don Carlos Dehault De Lassus governed West Florida, under his orders, and maintained his headquarters at Baton Rouge. In West Florida were many settlers of Anglo-Saxon race and many who had been citizens of other states, and there was a strong public disposition in favor of annexation to the United States. It is impossible here to detail the many disorders which arose in and about this disputed district. The question of regaining slaves that fled from the Orleans and Mississippi Territories into the Spanish lines, and the rights of Americans to invade this territory and search and seize them, were causes of constant confusion. Within the territory itself, discontent had already manifested itself in an attempted revolution, and finally, in 1810, when the fall of the Bourbons had caused the Spanish provinces all over the western world to think of revolt and freedom, a movement was set on foot in West Florida to establish its independence.[1] A convention of citizens, at first disposed to request immediate annexation to the United States, drew up a sort of declaration of independence. By a palpable sophistry, this declaration asserted that as the rightful ruler of Spain had been dispossessed by the usurper Napoleon, the province of West Florida, though maintaining its allegiance to the displaced king, owed none to Napoleon, and therefore, being without actual ruler, was justified in drawing up laws for its own government. Such a decla-

[1] See Gayarré's *American Domination* and H. L. Favrot's discussion in the Publications of the Louisiana Historical Society, vol. i, parts 2 and 3, based on original documents in his possession.

ration could of course mean little else than ultimate annexation to the United States, but the protestation of loyalty to the *functus officio* king of Spain, Ferdinand VII, was made to retain the support of the Spanish officials as long as needed. De Lassus remained in office as commander-in-chief of the militia and chief judge, with Shepard Brown, Robert Percy, and Fulwar Skipwith as his associates. Associated prominently with the movement were names that became important in the history of Louisiana at a later date. Governor De Lassus apparently acquiesced in all these arrangements, but, in September, 1810, it was found that he was sending messages through Shepard Brown to Governor Folch at Pensacola, asking that an armed force be sent to quell the insurrection. Upon this knowledge, a secret council of the leaders of the former convention decided to declare the independence of West Florida; an attack was made upon Baton Rouge on the night of September 22; De Lassus and twenty prisoners were taken, the young Lieutenant Louis de Grandpré was killed, and the fort, magazines, and stores were seized. Independence was declared and Fulwar Skipwith elected governor. President Madison now intervened, however, and ordered Governor Claiborne to take possession of the country in the name of the United States. This was accomplished in December, 1810. Governor Folch consented to withdraw his claims, but the Spaniards remained in possession of Mobile and the country east of Pearl River until driven out in 1813 during the war between the United States and Great Britain. When the Territory of Orleans became the State of Louisiana in 1812, the Baton Rouge district, or that part of West Florida lying south of the thirty-first degree of latitude and between Pearl River and the Mississippi, was made a part of the new State and divided into the present "Florida Parishes" of Louisiana.

The year 1811 was marked by a great uprising of the negroes in the parish of St. John the Baptist. About

five hundred in number, they set out in a bold march against the city of New Orleans, burning plantation houses as they proceeded. They were easily routed, however, by the militia and the United States troops. Sixty-six of the negroes were killed in the skirmish or hanged on the spot. Sixteen others were tried in New Orleans, executed, and their heads stuck upon poles at intervals along the river between the city and the place where the insurrection started.

The population was now well over sixty thousand, the conditional number upon which the Territory was to be admitted as one of the States of the Union. In 1811, Julien Poydras in the House of Representatives of the United States, declared that Orleans should be admitted to the Union. Thereupon ensued the violent discussions and debates, during which Josiah Quincy of Massachusetts made his famous speech asserting that the admission of this alien people would bring about the dissolution of the Union, and that it would be the duty of some States and the right of all to secede. He was called to order, as will be remembered, by John Poindexter of the Mississippi Territory. On January 14, 1811, a bill was passed, and approved by the President on February 20, that the Territory of Orleans be authorized to form a state government and adopt a constitution.

The convention met in New Orleans, with Julien Poydras as president, and towards the end of January, 1812, adopted a constitution. Congress then admitted the Territory to the Union as the State of Louisiana, the act to take effect upon the anniversary of the treaty of cession, April 30, 1812. The limits of the new State were to be the Sabine River on the west, the thirty-third degree of latitude on the north, as far east as the Mississippi, thence down the river to the Iberville, and thence, following the course of the Iberville through Lakes Maurepas and Pontchartrain to the Gulf, which was, of course, the natural southern boundary, including all islands within

three leagues of the mainland. As we have seen, the Baton Rouge district was almost immediately added to Louisiana, bringing the eastern line up to Pearl River. The territorial governor, W. C. C. Claiborne, was elected first governor of the State under the new constitution.

CHAPTER XI

THE WAR OF 1812 AND THE BATTLE OF NEW ORLEANS

The war of 1812 was, so far as America was concerned, but an episode in the age-long struggle between France and England; its result was the verification of Napoleon's prophecy made at the cession of Louisiana to the United States: "I have given to England a rival that will sooner or later humble her pride;" and it was unusually in accordance with dramatic fitness that Louisiana should be an objective point in the war, and that the volunteer troops of the Mississippi, by their defeat of the British before New Orleans, should, at that particular spot, make good that other portion of the great general's prediction: "The acquisition of this territory assures forever the power of the United States." Doubt and weakness yet remained as national curses, possession was not yet assured, danger from without was required to unite the older portion of the country in firm bonds of common interest with the newly acquired alien portion, and trial by blood was yet needed to place that country as a peer among the nations; yet the signing of the act of cession by the agents of Jefferson and the agent of Napoleon was the second, and no less important, declaration of independence of the United States.

Had the country been strong enough, war would have been declared in 1805, when Great Britain forbade American vessels to carry goods from the Spanish and French West Indies to Spain or France directly, on the grounds

that such commerce furnished aid to Napoleon. Thus the United States were dragged in to suffer vicariously in Great Britain's attempt to crush the master of Europe, and nothing but sheer weakness delayed the retaliation. Matters had gone on from bad to worse, American vessels had been seized, retaliatory decrees injurious to American commerce and humiliating to American dignity had been passed by France and England alike. Finally, in 1807, the British government had closed all the continental ports under French control against neutral commerce save to vessels that had previously touched at British ports, and Napoleon retorted by authorizing the seizure of any vessel that *had* entered a British port. Thus, as France controlled most of the European continent and England swept the ocean, there was utter loss to the American traders. Great Britain seized and impressed American sailors, and paid no heed to the protests made. Meanwhile Jefferson's Enforcement Act of 1808, intended to restrict trade with foreign countries, had caused general discontent and almost armed rebellion in New England and New York. Though this embargo affected disastrously the commercial and working classes of England, it was not altogether unfavorable to the interests of the British government, as it made Jefferson unpopular and strengthened the Federal influence upon whose sympathy England counted. Napoleon, on his side, took advantage of the act to confiscate American vessels, on the ground that they could not legally navigate the seas. The embargo was therefore removed in 1809 when Madison became President, and trade was allowed with all countries save France and England. Many citizens were eager for war, but the feebleness of the army and navy and the uprising of the Indians under Tecumseh in 1810 withheld the administration from a declaration of hostilities. The humiliation could not be endured indefinitely, however, and the influence of the West, led chiefly by Henry Clay, who entered the House

of Representatives in 1811 from Kentucky, finally brought about a declaration of war on June 18, 1812.

The first years of this carelessly conducted war would have, perhaps, ended in disaster to the American cause had not Great Britain been hampered by European dangers and by a huge debt contracted through twenty years of almost constant battle with her ancient enemy. In but one of the British campaigns, moreover, was there possibility of much national gain, either territorial or otherwise. This campaign was of course the attempted seizure of the Mississippi Valley. This was early known by the American government. Madison was authorized in February, 1813, to occupy West Florida up to the Perdido River. General Wilkinson had been sent to New Orleans, and had captured Fort Charlotte at Mobile, driven the Spanish out of the disputed territory, and begun the erection of Fort Bowyer on Mobile Point. Little attempt had been made, however, to protect the Gulf Coast or New Orleans from invasion, and through two years of the war this exposed front was left practically defenseless. Even when the Halifax papers announced that an expedition of eighteen thousand of Wellington's veterans was to be sent against New Orleans, nothing was done by the national government, in spite of its exposure, in spite of the nearness of the hostile Spanish, in spite of the importance of the place, and in spite of the distrust which men of the North and East yet affected to feel of the loyalty of the people of Louisiana. Major Latour, chief military engineer in the Louisiana and West Florida districts, in his valuable "Historical Memoir of the War in West Florida and Louisiana" is emphatic in his statements that on the whole Gulf Coast there were but six gunboats and one sloop of war. Fort Plaquemines, Petites Coquilles, and Fort Bowyer were the only fortified outposts. Petites Coquilles was not even completed by the time of the invasion, and none of the others was in condition to offer effective resistance

to any organized attack. The coast waters of Louisiana were accessible to flat-bottomed boats such as were used to convey mortars, and might easily have been defended against a strong fleet by this means; but there were only two mortars in service, and these were without ammunition. These facts were known to the government. Accurate maps had been made by Latour and Lafon and sent to General Wilkinson, and when General Flournay succeeded to the command of the troops in the Mississippi Valley in 1813, he sent to the secretary of war Major Lafon's atlas of plans of the points to be fortified.

In the summer of 1814, the British brig Orpheus landed troops at Apalachicola Bay in Florida and aroused the Creeks to join in an intended attack upon Fort Bowyer. Another expedition under Colonel Nicholls sailed from Bermuda in the sloops of war Hermes and Caron, touched at Havana in the hope of gaining the coöperation of the Spanish, and, failing in this, went to Pensacola and landed there, although the Spanish governor at Havana had refused them this privilege. This expedition was intended to secure information, guides, and pilots, and to test the disposition of the native inhabitants of Louisiana and Florida before the arrival of the large invading force. It was known to the British that the native Latin population of Louisiana had been recently augmented by great numbers of refugees from Jamaica, St. Domingo, Guadeloupe, and other West Indian islands. It was known that many of these people had but little natural or racial affinity with the government of the United States, and it was hoped that they might be induced to assist the British invasion. It was known, also, that bodies of contraband traders and smugglers held the whole portion of the State lying beside the Gulf, and their known defiance of the authority of the national government offered the hope that these men might be employed as effective auxiliaries or, at least, used as guides through the intri-

cate network of bayous and lakes that formed the waterway from the Gulf to the city of New Orleans.

At this point it is necessary to make a short retrospect. As has been said, the national government had neglected the defenses of Louisiana, but the militia had been called upon by order of the secretary of war and the President, and General Andrew Jackson had been sent to West Florida to suppress the Creeks and check any small attempt the British might make on that side. Governor Claiborne had ordered the militia of Louisiana to drill regularly and be in readiness to take the field. The people had responded loyally, and great public spirit was shown by private citizens in their cooperation with the state government to remedy the danger to which they had been exposed by the indifference of the national authorities. Nevertheless, the presence of the smugglers and reputed pirates already referred to, and the favor with which the people at large looked upon their operations, at least in the opinion of the governor, were a source of the greatest uneasiness to him. He might have considered that these men, French by birth or descent, and many of them refugees from the British attacks upon the West Indies, would have united in solid hostility against the enemy of their race; but Claiborne was yet to some extent an alien among the people of Louisiana, and he saw in the action of these free traders nothing but utter defiance of the government, and in the passive acquiescence of the people to at least a great portion of the contraband trade, nothing but innate depravity and the lack of ethical principles which the uncomprehending Saxon is often too ready to attribute to the Latin. Nevertheless, under the circumstances and in view of the imminent danger, the governor's uneasiness was at first natural. The whole of the southern coast of Louisiana up to the very city of New Orleans is a network of bayous, lakes, and lagoons threading vast, desolate wastes of salt marsh,

jungle, and forests of cypress and water-oak. A sad land with a sombre beauty of its own, these wide acres are still the haunt of wild things, untraversed for the most part save by the pirogue of the pot-hunter or the negro moss-gatherer. Even to-day the waters of the almost currentless bayous are alive with great garfish; turtles, snakes, and alligators bask on many a log, and herons, cranes, flamingoes, kingfishers, and pelicans hold a monopoly of the fisheries. More dense, more intricately water-threaded than all is the district lying about Barataria Bay. Occasional ridges of high ground and shell mounds mark many of the refuges or distributing points of the smugglers. Through this bay and up these bayous the luggers of the Malay, Italian, and mongrel fishermen pass to-day to New Orleans. The shallow waters of Barataria Bay, impassable to any but light craft, are guarded by two islands lying across its mouth. The eastern of these is Grande Terre, an island about six miles long by two wide. Passing the channel or Grand Pass between it and Grande Isle, one notices to-day little but two lighthouses and the ruins of an old fort, breaking the silhouette of this flat bit of earth. Grande Isle is higher, larger, more attractive. In the glowing summer weather it is a spot of precious color set in the blue water — an unguessed paradise for the painter. It is inhabited to-day by descendants of the "pirates," by fishermen of Capri, Acadians, and half-breeds, picturesque and primitive, restfully unprogressive and beautifully un-American. This whole wild district, lake, islands, and intricate swamp, was known by the general name of Barataria. We hear nothing of Baratarians until a considerable number of daring men, refugees from the French West Indies, made their strongholds in these deceptive fastnesses, and under letters of marque from France and from the young republic of Carthagena, preyed upon British commerce as privateers. The plunder and the prizes were sold to merchants

from New Orleans, and, little by little, the enterprising navigators enlarged their field of operations as they saw an opportunity of larger profits. Smuggling and illicit slave trading were carried on to a great extent. Orders upon Barataria were openly given on the streets of New Orleans, and merchants or their agents went regularly to the auctions of slaves and plunder held by the Baratarians at their several distributing points on Grande Terre, near Lake Salvador, on the small shell mounds of the swamp, and on Bayou Lafourche.

Some time about the year 1809 there had come to New Orleans from Bayonne — or from Bordeaux — the brothers Pierre and Jean Lafitte. They were active and intelligent, and had money or soon acquired it. Shortly after their arrival they established a smithy in which the work was done by their slaves, but the news rapidly got about that the smithy was but the cover for a large business of a quite different nature, and the brothers were soon known as the chief agents of the Baratarian smugglers. Both of these men displayed ability, but the younger, Jean Lafitte, was indeed an extraordinary man. In some way which does not appear, he acquired such an ascendance over the Baratarians that his orders and proclamations received the obedience of an imperial ukase; he could command the lives of a large body of desperate fighters, ruled by his absolute will the whole of that wild coast and its lawless people, and yet for years maintained his place among the quiet citizens of New Orleans. Tradition has given him all the graces of person and mind, made him handsome, brilliant, suave and polished in manner, brave to rashness, proud as a prince, and chivalrous as a knight. Tradition maintains also that the doors of many an honored house welcomed him as a guest. Some would have it that he was merely what he claimed to be, the commander of the privateers commissioned to hurt the British trade. Others have held that he was merely the agent for disposing of

the prizes. Still others have held that this same suave gentleman sometimes sailed under the black flag and boarded a bloody prize, cutlass in hand, with as much ease as he won the favor of law-abiding citizens by his polished manners and delightful courtesy. As well as may be surmised at this late day, the truth seems to be that while Lafitte actually ruled both the legitimate privateers and the smugglers and controlled in New Orleans the disposition of the fruits of both enterprises, he was himself never actively concerned in their getting, and he never sanctioned, but, on the contrary, punished, such acts of real piracy which seem to have been practiced at times by certain of his crews. That such lieutenants as Dominique You and Béluche, Nez Coupé and Gambio, took with the cannon and the sword, was never denied; but they claimed that they attacked only the British, their legitimate enemies, or the Spanish, when they cruised under letters of marque from the revolutionized Spanish colonies. The one motive which seems to have actuated Lafitte was, indeed, an implacable hatred against England, a hatred mysterious in its intensity and origin. How he obtained his practically absolute control of these free-lances is not known, but that he exercised such authority seems reasonably certain.

The United States government naturally looked with disfavor upon this settlement of privateers, and Governor Claiborne was much disturbed by their presence in his territory; but they were strongly established and fortified on the mainland, they had armed vessels manned by skilled sailors and tried gunners, a small fort protected the entrance to Barataria Bay, outposts guarded against surprise, and it was hopeless to follow them into the intricate windings of the bayous and through the labyrinthine swamp. The attention of the government was forcibly directed to the Baratarians by their bold violations of the Embargo Act, and from the year 1809 one reads in the New Orleans papers of occasional seizures

of vessels and sporadic prosecutions; but the sentiment of the people was not strongly against either privateers or smugglers, and good lawyers were readily found to defend those so unfortunate as to be captured. Futile proclamations were issued, but Baratarian trade flourished none the less, and the people profited by it. In October of 1813, Walter Gilbert, a United States revenue officer, and some subordinates, who had seized some smuggled goods, were fired upon near the city by men under the orders of Jean Lafitte and the goods taken forcibly from them in broad daylight. Governor Claiborne thereupon issued an eloquent proclamation and offered a reward of five hundred dollars for Lafitte's arrest. So little did this affect the Baratarians, that in January, 1814, a lot of four hundred and fifty negroes were sold by public auction at Barataria, and a revenue officer named Stout was killed near "the Temple" by Lafitte's men and his whole posse captured. Claiborne laid these facts before the legislature and urged action, but the legislature had no money to provide a force to dislodge five hundred determined and well-armed men from well-nigh impassable fastnesses in the swamp, and nothing was done further than to appoint a committee to confer with the governor. Less than two months elapsed before the governor had again to send a special message to the legislature with reports of new outrages and an appeal for authority to raise a volunteer force to dislodge the Baratarians. General Flournoy had been appealed to, but he needed the small force under his command to watch the British and guard against the attack which every one feared. The legislature took no action, for many of its members, as did a majority of the people, fancied that they were benefited by the smuggling trade, disbelieved in the restrictive policy of the administration, and furthermore had somewhat justly acquired a feeling of dislike to the government that had in many cases treated the Territory and State of Louisiana with injus-

tice. An attempt was made by the grand jury, however, to bring charges of piracy against the Lafittes, and some testimony was taken. It was difficult to gather damaging testimony against these men. It is, moreover, scarcely probable that they had time to commit acts of piracy. They furnished capital, they disposed of the plunder, they organized and directed. Men in their employ probably committed piracy, but it was against the policy of the brothers to shed blood. On one occasion, when Jean Lafitte was carrying merchandise through Bayou Lafourche, he was attacked by revenue officers; he is said to have repulsed them with some bloodshed and then apologized for the unpleasant necessity which compelled him to use violence in protecting his goods. Judge Gayarré states [1] that he examined the testimony taken at this time, and that it was not established that the Barataríans had ever captured vessels other than those which their letters of marque authorized them to attack. The records of these judicial proceedings, however, are unsatisfactory, owing to the absence of dates in them, and it is not even clear that these accusations ever led to a trial. On this or some other occasion, however, the case of the Lafittes was tried, and John R. Grymes, the United States District Attorney, resigned his position to take their case for a fee which tradition has fixed at twenty thousand dollars. Edward Livingston was also retained by the defense. The story goes that, when the case had been won, Jean Lafitte invited the two lawyers to visit him at Barataria and receive there the promised payment. Livingston, afraid to put himself thus in the hands of his untrusted debtors, offered Grymes a ten per cent commission for collecting his fee. Grymes went to Barataria, fell ill there, was nursed through his spell of sickness, and finally sent back to New Orleans with the two fees amounting together to forty thousand dollars. So impressed was he with the generous entertainment which had been given

[1] *Historical Sketch of Pierre and Jean Lafitte*, p. 294.

him that he declared to his friends: "What a cruel misnomer it is to call the most honest and polished gentlemen the world ever produced bandits and pirates!"

It will be remembered that a British force under Colonel Nicholls had been sent along the Gulf Coast to obtain guides and pilots for the large expedition planned against New Orleans. Nicholls had received information of Lafitte and his Baratarian establishment. He rightly thought that, by securing the assistance of these outlaws, whose intimate knowledge of all quiet approaches to the town would be invaluable, the place might be surprised at a disadvantage. On the 3d of September, 1814, therefore, he sent two of his officers to offer Lafitte the rank of captain in the British navy and thirty thousand dollars in cash for the services of himself and his men. He was given copies of the proclamation which Nicholls had been scattering about the country in the hope of inciting the French and Spanish inhabitants. The first attack was to be made upon Mobile; New Orleans was to be captured, and the force so employed was to be joined by another that would descend the river from Canada. Lafitte demanded time for consideration, and upon some pretext left the officers long enough to examine carefully the papers which had been given him, and perhaps consult with his lieutenants. During his absence and perhaps by his order, certain of his men seized the officers and confined them in a secure place. Here they were kept all night, and were then released with many apologies by Lafitte and sent away with no more satisfaction than the assurance that he would consider their offer and communicate his answer within a fortnight. Immediately after the departure of the British officers, Lafitte sent all the papers which they had given him to J. Blanque, a member of the state legislature. The information thus received was laid by Blanque before Governor Claiborne, who, according to Latour,[1] laid the whole matter before

[1] *Historical Memoir*, p. 22.

the newly formed Committee of Defense. Latour states, moreover, that Lafitte's messenger was sent back with a verbal message, urging him to take no steps until decision on his offer of loyalty could be made. He was assured, however, that no attack would be made against him in the meanwhile. There is some confusion here. This "Committee of Defense" can scarcely be the one organized by the citizens on September 15, with Livingston as chairman. Latour may perhaps refer to the military committee consisting of Ross, Patterson, Villeré, and Claiborne, but this committee is said to have rejected all negotiations with Lafitte from the outset. Before Lafitte received any official reply to his communications he obtained possession of an anonymous letter from Havana giving a more detailed account of the expedition planned by the British. This document was sent to Blanque on the 7th, with renewed offers of service from Lafitte and further protestations of his loyalty to Louisiana. It appears that after sending this letter Jean Lafitte left Grande Terre and went to Bayou Lafourche to warn the planters of their danger. His brother Pierre had been arrested in New Orleans and confined in jail under irons, but had escaped on the night of September 6, and taken with him three negroes. Three days later he wrote from Grande Terre to Blanque offering his assistance, and inclosing a letter written by Jean to Governor Claiborne, with the request that it be laid immediately before him. By this letter, the coöperation of his men with the forces of the country against the British was offered in return for oblivion of his past offenses. "If you were thoroughly acquainted," writes Lafitte, "with the nature of my offenses, I should appear to you less guilty and still worthy to discharge the duties of a good citizen. I have never sailed under any flag but that of the republic of Carthagena, and my vessels are perfectly regular in that respect. If I could have brought my lawful prizes into the ports of this State, I should not

have employed the illicit means that have caused me to be proscribed. . . . Should your answer not be favorable to my ardent desires, I declare to you that I will instantly leave the country, to avoid the imputation of having coöperated towards an invasion on this point, which cannot fail to take place, and rest secure in the acquittal of my own conscience."

Meanwhile more active measures were being taken against the Baratarian establishment, this time by the United States government. A strong expedition under Commodore Patterson and Colonel Ross had been organized for the work. Preparations were being made at the time of Lafitte's patriotic offers, and a reward of one thousand dollars was being daily advertised in the "Courier" for the capture of the escaped Pierre. Lafitte was evidently not expecting to be attacked before some answer had been returned to his communications. When, therefore, the attack was actually made on September 18, the Baratarians were completely surprised. Much booty and some prisoners were taken, but a strong force got away and fortified themselves upon Last Island. The brothers escaped, also, and were concealed by friends on the "German Coast."

The Barataria district was thus left unprotected, and Claiborne wrote immediately to General Jackson suggesting that the vacant post be at once occupied by troops. The governor is said to have been somewhat inclined to accept Lafitte's offer of assistance, as had been General Villeré, the commander of the state militia. Commodore Patterson and Colonel Ross had opposed any such action, however. Prosecutions were now pending in the District Court against several of the prisoners, but Claiborne was uneasy lest the people should resist a too severe enforcement of the law, and therefore, in view of the danger of invasion, he wrote to the attorney-general of the United States: "I see no good to be obtained by making the penalties of the laws to fall extensively and

heavily. . . . Should the President think proper to instruct the attorney for the district of Louisiana to select a few of the most hardened of the Baratarians for trial, and to forbear to prosecute all others concerned, I think such an act of clemency would be well received, and attended at the present moment with the best effects. A sympathy for the offenders is certainly more or less felt by many of the Louisianians." General Jackson at Mobile was of another mind. Upon receipt of Claiborne's letter he issued to the Louisianians one of his robust proclamations, in which he bitterly denounced the British for attempting to form an alliance with the "hellish banditti." The proclamation closes with these words, especially interesting in view of the general's change of opinion when he finally looked into the matter for himself: "Confident that any attempt to invade our soil will be repelled, the undersigned calls not upon pirates and robbers to join him in the glorious cause." The general came to New Orleans on December 2, 1814, and took the direction of affairs into his own energetic hands. He saw at once that the defenseless city needed every man that could bear arms. Jean Lafitte waited personally upon the general and offered him what he needed most, — trained gunners and men accustomed to face danger and fight against odds. On December 17, the legislature passed a resolution requesting Jackson to demand pardon for all the outlaws who should join the army of defense, and on the same day Governor Claiborne, with Jackson's approbation, issued a proclamation calling upon the outlaws to join the army, and promising that the general and the governor would unite to obtain pardon for them from the President.

Jackson found the Baratarians to be men after his own heart. His judgment was quickly made. He put them at once in positions of trust and danger. Some were sent down the river to Fort St. Philip, some to the toy Spanish Fort on Lake Pontchartrain at the mouth of Bayou

St. John, others to the half-finished mud fort called Petites Coquilles (now Fort Pike) out on the Rigolets. The management of two chief batteries in his own force was given to those fire-eaters Dominique You and Béluche. The treachery of any one of these parties of "pirates" would have let the British into the city, but not a pirate failed to sustain Jackson's ready judgment and confidence.

Before the arrival of Jackson, all had been confusion. The small number of regular troops at hand threw the burden of defense upon the raw militia. The approaches to the city were but feebly defended. The governor had not that firmness and decision of character which the crisis required. Jackson was, it is true, no trained tactician and had been taught in no other school than that of experience; but he came to Louisiana fresh from his successful suppression of the Creeks, his chastisement of the Spaniards at Pensacola had fully shown his vigorous and fearless method of fighting, and his character was such as to inspire swift confidence and stir the energy of those about him by contagion from his own. He brought with him also a force of hardy fighters, men accustomed, like himself, to hardship and danger, the backwoodsmen of Kentucky, Tennessee, and Mississippi. Volunteers flocked to his call in the city and throughout the State. The place was soon alive with energy.

Meanwhile the force of 7450 British under General Keane that had been forming in Jamaica had set sail in a fleet of about fifty vessels towards the end of November. On December 10 they anchored at Cat Island. Here they were discovered by Lieutenant Thomas Ap Catesby Jones, whose little flotilla of feeble gunboats guarded the approach from the Gulf through Lake Borgne, — the point from which the city might be reached with the least difficulty. Jones had but six gunboats and had been ordered to fall back, if he should be attacked by a greatly superior force, through the nar-

row Rigolets to Fort Petites Coquilles. Seeing the great number of the enemy, he tried to retreat, but the wind failed him suddenly and he could make no head against the current that flowed from the Rigolets into the lake. His boats were forced into the narrow channel between Point Clear and Malheureux Island and grounded in the mud. Here he cast out his anchors and encouraged his one hundred and eighty-two men to offer the best resistance possible. Admiral Cochrane now sent one thousand men in fifty launches, barges, and open boats against the little fleet. They advanced in a glittering line of color and with perfect order, each boat with a brass carronade in its prow, and twelve skilled oarsmen driving on each boat with rhythmic strokes. In the same perfect order they sustained the fierce fire which tore their line from the desperate American fleet. With the loss of three hundred men they brought the fighting to close quarters with cutlass and pistol, boarding the gunboats and capturing them after killing sixty of the defenders.

Admiral Cochrane was now in control of Lake Borgne. The infantry were landed upon the desolate Ile des Pois near the mouth of Pearl River. Ignorant of the country, they remained here exposed to cold, dampness, and sickness till they learned from some fishermen that Bayou Bienvenu had been left undefended and that it was navigable by barges for twelve miles to a canal which ran to a plantation on the Mississippi River eight miles below New Orleans. Two officers disguised as fishermen made the trip up Bayou Bienvenu to Villeré's Canal and by this to the Mississippi, obtained information of the country from some negroes, and returned to the fleet with the report that the attack upon the city from this direction would be an easy matter.

On December 22 — a cold day of rain and gloom — Keane sent sixteen hundred men to Bayou Bienvenu (called Bayou Catalan by the British and St. Francis River on old maps). A detachment in advance of this

force captured nine white men and three negroes who had been stationed there as pickets. The prisoners were cross-examined closely, but by preconcerted agreement each man stated that Jackson had twelve thousand men in New Orleans and four thousand at English Turn. As all told the same tale, the British were misled as to the miserable number of troops actually in Jackson's army. The British poled their barges slowly up Bayou Bienvenu and Bayou Mazant into Villeré's Canal. They landed on Villeré's plantation, pushed through the dense cane-brake and *cyprières*, and surrounded the house. Major Villeré, a son of the general, and his brother were captured. Fearful lest his easy capture be misinterpreted as disloyalty, young Villeré resolved upon a desperate attempt to escape and bear the news to the city, less than eight miles away. Watching his opportunity, he leaped from a window and dashed for the swamp. Several unarmed soldiers tried to intercept him. These he succeeded in pushing aside and reached the shelter of the cypress wood and the swamp amid a volley of musket balls sent after him. The British were hot in pursuit, but he succeeded in getting out of sight in the swamp and concealing himself in a moss-covered tree. He had scarcely hidden himself in the thick branches, when he heard the whine of a dog at the foot of the tree and saw that his pet setter had followed him in his flight. Feeling that the safety of the city depended upon his escape, and knowing that the actions of his dog would guide the British straight to his hiding-place, he was compelled to kill the poor beast by a blow with a stick and to fling the body into the undergrowth. He remained in the tree until the British had abandoned their search for him, and then made his way to the next plantation, got a horse, and galloped to the city with his news of the danger. Fortunately for the city, the enemy, deceived by the statements of

the prisoners, encamped on the plantation and did not press forward at once to attack the place.

The news threw the army of defense into immediate activity. As usual, Jackson made his plans at once and decided to attack the enemy before nightfall. His quick action probably saved the city. The gunboat Carolina, under Commodore Patterson, was ordered to get under way and drop down the river. Couriers were sent flying to summon the troops from their several stations. Jackson himself ordered out the regulars and stationed himself with them at the gate of Fort St. Charles to review the troops as they came up and took orders for the march down the levee road. By three o'clock of the same afternoon (December 23), the troops came in at a run. The artillery had been sent down to block the road to the city. Coffee's mounted riflemen, with their long hair, coonskin caps, hunting-shirts, and belts stuck with knives and hatchets, were sent down at a gallop. Hind's dragoons, Beale's creole riflemen, Plauché's and D'Aquin's battalions of free men of color, and a band of Choctaw Indians in their war paint were hurried down to the front. Last of all came the regulars drawn from the 7th and 44th regiments. In all, the force sent down this day amounted to a little over two thousand men. Governor Claiborne, with General Carroll's force, remained behind to guard against a flank movement through Bayou St. John.

About seven o'clock in the evening, the Carolina opened fire upon the British and forced them to desert their camp and take shelter under the levee. Soon the rattle of musketry from the road and the woods told that they were being attacked from that direction. The darkness was so dense that the Americans were on the British pickets before they were aware of it. The British were thrown into confusion, each man fighting for himself. The battle was close, hand to hand, and in grim

earnest, the British using the bayonet and the Kentuckians their long Indian knives. But now a heavy fog fell upon the combatants, and Jackson ordered his men to withdraw to Rodriguez's Canal, leaving the British in possession of their camp on the Villeré plantation. In this engagement the British lost some three hundred in killed, wounded, and prisoners, and the Americans a trifle over two hundred. The British were convinced by this attack that Jackson had a large force under his command, and their advance was effectively checked. The Americans, on their part, were greatly encouraged by this first encounter with their formidable foe and more than ever confident in their leader, who had proved that he could be as brave in action as he was energetic in command, for he had spared no personal danger to spur on his new troops by his own example.

On the 24th peace was being signed between Great Britain and the United States at Ghent, but the two armies before New Orleans were ignorant of this. The British lay all day under a steady and disconcerting fire from the Carolina, waiting for reinforcements, and the Americans were busy strengthening their position behind Rodriguez Canal. A low breastwork of earth was thrown up and some cotton bales, seized from a vessel in the river, were used in the hope that they would be of some protection. The levee was cut below the works so that the water might flood the plain through which the British would be compelled to advance, but the river was low and the small amount of water let through merely served to increase the depth of the bayous and thus rather assist the enemy in bringing up men and guns. On the 25th the British army numbered over five thousand, the pick of the army, men who had fought through the Peninsular Campaign under Wellington; and Sir Edward Pakenham had now come up to take the command. His presence lent great courage to his men, for he was one of the bravest and ablest generals

in the British army, had fought through the Peninsular War with honor, and had won his knighthood by personally leading the charge at Salamanca. But the invading army before New Orleans was in a sad condition. The men were exhausted, for the continuous fire which the Carolina poured into their camp gave them no rest. Moreover, the sharpshooters in the dense cypress swamp on their flank busied themselves day and night by picking off sentinels and pickets with their terrible rifles, at no risk to themselves. Pakenham, after looking over the field, had small hope of success, but the counsel of Admiral Cochrane prevailed, and ordering up heavy guns from the fleet on the night of the 26th, planted a powerful battery on the levee, and next day silenced and blew up the unhappy Carolina. The gunboat Louisiana was also shelled but managed to escape. The army now moved forward and camped within six hundred yards of Jackson's lines. On the morning of the 28th, they attacked in a line extending from the river to the woods, but Jackson had now four thousand men with him, and the heavy guns of the Baratarian "pirates" with those of the Louisiana tore the advancing line of attack with a murderous fire, driving the British to cover. With tremendous exertion more heavy guns were brought up from the fleet, as it was evident that the strength of the Americans lay in their superior artillery and the skill with which it was managed. While this was being done, Commodore Patterson equipped a battery on the west bank of the river with guns from the Louisiana.

On the night of the 31st, under cover of darkness, the enemy erected three solid earthworks in the form of *demilunes*, about four hundred yards from the American lines. These works were hastily constructed, however, and the attempt to strengthen them by barricades of sugar hogsheads proved ineffectual. They were furnished with heavy guns from the fleet and manned by veteran gun-

ners who had served under Nelson and Collingswood. The infantry fell back and waited for the artillery to make a breach in the American works at daybreak. The firing began early on the morning of New Year's Day, 1815. For a time the American line was thrown into confusion and exposed to serious danger, for the rockets of the enemy set fire to the parapet of cotton bales ; but these were thrown into the ditch, and the batteries of Dominique You and Béluche kept up such a hot and well-directed fire that the new works of the British were knocked to pieces in about an hour and a half. The American gunners now directed their fire upon the battery on the levee which had kept the Louisiana at a distance, and soon reduced it. During the night the British drew off such of their guns as remained undestroyed.

Gloom and depression began to settle over the British camp. Their position was disadvantageous, provisions were scant, the men were suffering from exposure and sickness, and the lack of rest had produced a heavy strain upon the whole force, for the American gunners permitted no sleep in the camp by night, and by day the backwoods riflemen, hidden in the cypress swamp, picked off sentinels and outposts with their unfailing marksmanship. Pakenham saw that nothing remained but to retreat or carry the American position by storm. He decided upon the latter course, and planned to make a simultaneous attack upon Jackson and upon the small force under General David Morgan on the west bank of the river. To accomplish this, it was necessary to extend Villeré's Canal two miles so as to bring it to the river and furnish means to get up the barges that would be required for the crossing of the river. The first week of January was spent at this work.

While the British were thus occupied, Jackson was strengthening his own position, to repel the attack which he felt would soon be made upon him. He had received

the expected reinforcement of twenty-two hundred Kentucky militia under Thomas and Adair, but these men had come in a condition that had almost unfitted them for service. Only a few were armed with old muskets, and all were in rags and worn with their forced journey. It was impossible to arm them, for the United States government had neglected to send a sufficient supply of rifles and ammunition to New Orleans. The bulk of this force was therefore stationed about two miles in the rear, with the unarmed reserves that had been collected by hurried conscription in New Orleans. In order to clothe the half-naked men, it was necessary to take woolen cloth and blankets from the warehouses of merchants in the city, and to rely upon the donations of citizens and the sewing of the women to furnish them with garments. Nevertheless, in spite of their scanty numbers, the troops were full of confidence and enthusiasm.

After the experience with the cotton bales, Jackson adopted more solid means of defense. Rodriguez Canal was flooded. A parapet of fence-palings, five feet high, was raised along the bank, and solidly piled with earth to a thickness of twenty feet in some places. The line of defense ran from the river at right angles for about half a mile, and then turned along the edge of the woods to the left, running thence for another half-mile to the impassable swamp.[1] Here in the swamp were stationed most of Coffee's and Carroll's sharpshooters. These hardy woodsmen stood knee-deep in mud, and fought in Indian fashion, each man for himself and behind cover, and each singling his special target among the ranks of the enemy. Along the whole line were eight batteries. Number One under Captain Humphreys of the United States regulars, supported by Major St. Gême's dragoons, was stationed nearest the river. Numbers Two and Four were commanded by Lieutenants Norris and Crawley of the navy, and were manned by gunners from the destroyed

[1] Latour's *Historical Memoirs* is here followed.

Carolina. Number Three was commanded by Dominique You and Béluche, with their "pirates" and some veteran gunners of the French army. Numbers Five and Seven were held by the regular artillery under Colonel Perry. Number Six was under General De Flaujac. Number Eight was in bad condition and unable to render much service. It was manned by a small portion of Carroll's force, commanded by a corporal. On the river was a redoubt held by some men of the 7th and 44th regiments under Lieutenants Ross and Marant. Next to these were the Orleans Volunteer Riflemen, then Major Peire and a portion of the 7th regiment; beyond these were the colored troops under Majors Plauché, D'Aquin, and Lacoste; and beyond these was the rest of the 44th under Captain Baker. In the woods and swamp on the extreme left were the troops of Bellevue, Carroll, Adair, and Coffee. On the west bank of the river General Morgan, with about one thousand men, many of them unarmed, held the levee road in a feeble redoubt. Jackson's whole force, including reserves and camp guards, was under five thousand men. The whole of the right wing was under the general command of Colonel Ross, the left was under General Coffee.

By the 7th of January, 1815, Pakenham had completed his labors and had been further reinforced till his army now numbered about eight thousand men. The day before, he had laid his plans before his chief officers in a council held in Villeré's house. The plan was to send Colonel Thornton, one of the ablest officers in the British army, across the river with one thousand men on the night of the 7th to surprise Morgan's force. This done, Thornton was to send up rockets, whereupon the main force was to storm Jackson's works while Thornton recrossed the river and attacked Jackson in the rear, cutting him off from the city. The British had regained confidence, and the party in Villeré's house was a gay one. All drank with enthusiasm to the inspiring toast,

"Booty and Beauty." Unfortunately there was present a planter by the name of Delaronde, who had visited the British upon their arrival and was supposed to be friendly to their cause. When the meeting broke up Delaronde made his way by night to Jackson's camp and informed him on the morning of the 7th of the plans of the British.[1] Jackson placed double guards, and the troops slept that night under arms. Coffee's men in the swamps passed the night on floating logs tied to trees.

Fortune was against the British at the first movement, the banks of the canal which they had dug to the river caved in and only enough barges were gotten through to transport six or seven hundred men; then the current of the river bore them so far below their intended landing place that it was daybreak before they were ready to attack Morgan. Meanwhile Generals Keane and Gibbs marched their troops to within sight of the American breastworks and waited in vain for Thornton's signal. At last Pakenham could delay no longer, and ordered the assault.

General Gibbs led forward his division to the assault through a terrific fire from the American guns. The men advanced in perfect order till the knowledge got about among them that the Irish Forty-fourth under Colonel Mullen had neglected to bring the scaling-ladders and fascines. There was a momentary delay in the advance; Pakenham rode up and ordered the Forty-fourth back for the ladders, while the attacking column halted on the field and bore the slaughtering hail of grape-shot that tore their ranks. Gibbs could only stand and watch his men murdered and swear by the high gods that he would hang Mullen to the highest tree in the swamp. The men could not stand the unbearable strain, and Gibbs ordered the column forward in sheer desperation without waiting for the Forty-fourth to come up. Every gun on Jackson's line poured a steady fire into their brave ranks;

[1] Nolte's *Fifty Years in Both Hemispheres.*

Patterson's recently erected battery across the river tore the column with a flank fire. Still the British came on, within a hundred yards of the ditch. Now Jackson, passing along the line, said to his riflemen : "Give it to them, boys! Let us finish this business to-day." The Tennessee sharpshooters stood on the top of the parapet, and behind them were the Kentuckians in two lines. At the word the first line fired, each man aiming at a chosen mark, and fell back to load while the Kentuckians stepped into their places and fired in the same way, in turn giving place to their second line. By this means an unceasing fire of murderous accuracy was kept up, giving the British no time for recovery. The red line began to melt away as if by magic; the officers rushed before it, urging the wavering men on to the attack; the riflemen on the parapets and the sharpshooters in the swamp singled out the officers and picked them off one by one. Now the Forty-fourth came up with the ladders, Pakenham himself leading them. His horse fell under him, but he mounted a small black pony and pushed before the line. The men, throwing aside their knapsacks, rushed forward to the ditch, struggled through, set their ladders against the breastworks, and attempted to scale the top. Major Rennie fell, shot to pieces, within one of the American redoubts; but the gallant attack was met by an equally gallant resistance, the assault was repulsed, the column fell back. General Keane now ordered up the Highlanders, who had been held in reserve up to this time. Again the full column, led by Pakenham, Gibbs, and Keane in person, pressed forward to the attack. But the deliberate fire of the American batteries and the selective shooting of the invisible riflemen in the woods ceased not an instant. It was a fatal day to the officers. Pakenham was struck and died upon the field; Gibbs was borne off mortally wounded; Keane was disabled and taken to the rear. General Lambert, far in the rear with the reserves, got the news and advanced. No

field officer remained, but the brave Major Wilkinson led his men once again to the very breastworks and fell mortally wounded within the American lines. When Lambert reached the field with the reserves, he could do nothing but cover the rout, for the men were hopelessly broken and flying for safety.

The firing ceased, and as Jackson rode down his line the bands struck up "Hail Columbia," and the grimy gunners and powder-burned riflemen shouted themselves hoarse. The news sped to the city, and soon the carriages began to come down, many of them filled with women less joyful over the victory than anguished with fear for the fate of the men. The loss, however, at the highest estimate, was but seventy-one, and the care of the women who came down to the field was more for the wounded of the enemy than for their own. As the smoke cleared away and lifted from the field, over two thousand British dead lay in the ditch and before the works, and for a quarter of a mile could be seen crawling and writhing red uniforms among those that lay motionless.

About midday an officer came under flag of truce from General Lambert, asking for an armistice to bury the dead. The battle was now over, the British defeated, save for the useless success of Colonel Thornton, who, on the farther side of the river, had driven General Morgan's one thousand men with little difficulty from their redoubt. The dead were interred upon the field, the work going on until late at night. From the American camp, the soldiers watched the flickering of the funeral torches in Villeré's garden.

When the armistice expired, Colonel Thornton abandoned the captured redoubt on the west bank and crossed the river. The American batteries resumed the shelling of the British camp. Upon the side of the invaders no active attempt was made, save an effort of a portion of the Gulf fleet to ascend the river and pass Fort St. Philip. This attempt was abandoned by the 18th. On

this day an exchange of prisoners took place, and General Lambert set about the difficult task of drawing off his forces without further loss. This task had occupied his attention for many days, and did indeed seem practically impossible. So few boats remained that he was unable to send his men to the fleet through the bayou, as they had come, even if he had dared to weaken his strength by thus dividing the army. He was compelled, therefore, to build a road along the edge of the bayou from the field of battle to Lake Borgne. On the night of the 18th he spiked all the heavy guns that could not be moved and formed his column in marching order. Camp-fires were lighted and sentinels posted as usual. Under cover of darkness the army slipped away, and when the rear guard had left the camp, each sentinel stood a stuffed dummy in his place and followed the army.

In the morning, the strangely quiet appearance of the British camp attracted the notice of the American officers, yet the glasses showed the posted sentinels and no apparent change. Finally General Humbert noticed some crows flying about one of the supposed sentinels, and the deception was made plain. At this juncture a messenger under a flag of truce from General Lambert approached, announced the final departure of his army and fleet, and begged that the wounded, whom he had been compelled to leave in his camp, might receive consideration.

The fleet left the Gulf on March 17, and reached England in time to send the same troops into Belgium to take part in the battle of Waterloo, where General Lambert gained distinguished notice.

On the 21st of January, Jackson ordered most of the troops to the city, leaving guards at exposed points, but the force was not yet disbanded. On the 23d, a day of thanksgiving was celebrated by high mass and a *Te Deum* at the cathedral, Jackson was honored as he deserved, and was made to feel the gratitude of the impulsive

people. He, in his turn, gracefully laid all the glory upon the troops that had so gallantly flocked to the defense of the country. He thanked, through Mayor Girod, the citizens of New Orleans, those who fought and those who assisted in other ways, men and women, for their enthusiastic patriotism. The happy moment seemed given over to confidence and gratulation. But the truly glorious picture of the defense of the city has its unfortunate reverse. It was at least ominous that, when the legislature, on the 2d of February, voted its thanks to the volunteers from Kentucky, Tennessee, and Mississippi, no mention was made of General Jackson's name.

The truth was that, while the British were before the city, a misunderstanding between Jackson and the legislature had fomented distrust between the general and the representatives of the people, and unhappily events subsequent to the retreat of the enemy were not destined to close the breach. Jackson had come to New Orleans with many of the preconceived American prejudices against the native inhabitants, and Governor Claiborne had not hesitated to increase that prejudice by warning him that the loyalty of the people to the United States was questionable and that there were many treacherously inclined persons in the city of New Orleans especially. Such prejudice was excusable in the governor during the first years of his administration, but such experience as he should have gained from the Wilkinson-Burr episode and from his long contact with the old inhabitants should have convinced him that however much the people felt themselves ill used in certain cases by the national government, they were at least ardently patriotic in their love for their own State and firmly convinced that henceforth its interests and destinies were intimately bound with those of the other States of the American Union. The governor has laid himself open to the charge of seeking to increase his own credit by exaggerating the dangers of this crisis, as had been done during

the rumors of Burr's conspiracy, and by undervaluing the really unstinted support which he received in each time of danger from the very people whose zeal he affected to doubt or did actually doubt because of his own timorous and wavering nature. General Jackson, therefore, had his prejudices strengthened by the governor's attitude. He had gone beyond Claiborne's wishes, however, in declaring the city under martial law, which had been rigidly enforced from December 16. At Jackson's request, Claiborne asked the legislature, then in cession, to adjourn, but the Assembly very justly declined to do so. Jackson had been led to believe that the Assembly was capable of disloyal action and that it might influence the people by its decisions. Feeling as he did and doubting in his heart the temper of the people, he was right to demand the absolute control of the place if he were expected to save it from the peril that threatened. Had he known the true state of affairs, his action would in all probability have been different. The legislature, on their side, knew the feeling of the people throughout the State in a way not possible even to the governor, and their consciousness of their own loyal zeal and that of the whole people made them reject any suggestion to close their doors on any grounds that might justify the suspicions of the governor and the general. Furthermore, if the people themselves had shown any lukewarmness towards General Jackson upon his arrival, they would have been largely justified. Their defenses had been inexcusably neglected by the national government up to the last moment. When a commanding officer was finally sent to them, he was a general of militia who had as yet met no such enemy as now faced him, but had dealt only with Indians and the feeble, unenthusiastic forces of Spain in Florida. The event proved that Jackson was the right man for the defense, but neither the national government which sent him nor the people who so completely gave him their confident

support were sure of this until his own energetic action and final success revealed his fitness. While the first fight was taking place on the evening of December 23, a rumor had gotten about the city that Jackson had left orders to blow up the magazines and burn the city to the ground in case he was unable to check the British, so that the invaders might reap only such a barren victory as Napoleon had gained of the Russians in his advance upon Moscow. It was feared that the burning of the city would induce the slaves to burn plantations in the outlying parishes and massacre the defenseless whites. Most of the members of the legislature were now in active service, but a few whose civil duties held them in the city met every day merely to effect an adjournment. In the informal discussion which took place in the lobbies among these members, disapproval of Jackson's reported order to fire the city was expressed. Mr. Duncan, one of Jackson's volunteer aides, had falsely reported to the general on the 28th that the Assembly was debating the question of surrendering to the British, and that Governor Claiborne wished to know what should be done. Jackson, in his usual rough-and-ready manner, told Duncan that he did not believe the report, but that he might tell Claiborne to blow up the legislature if he caught them at any such business. Duncan went back to the city with the tale that Jackson wished the Assembly Hall to be closed. The House was closed and sentinels placed at the doors to turn away members.

This misunderstanding, which has been much garbled in historical account, greatly to the discredit of Louisiana and its Assembly, continued after the retreat of the British, and the later conduct of General Jackson was utterly unjustifiable after the energetic defense and explanation made by a committee of the legislature. He received a letter from Admiral Cochrane, on February 13, announcing that peace had been signed between England and the United States. He refused to believe this, de-

clined to release the city from martial rule, and ordered redoubled vigilance. On February 22, news came from Charleston confirming the intelligence, but Jackson still refused to give credence to it and maintained his rigid control. Much discontent was expressed by the volunteers. Work had been completely suspended, commerce and trade checked, and many families were in distressing want. The men were, therefore, eager to be discharged. Moreover, some French subjects who had volunteered now demanded their release. This they finally obtained by getting certificates of their nationality from Consul Tousard. Jackson, however, complained that this privilege was abused, and ordered the consul and all the Frenchmen who had received certificates to leave the city. Northern papers now arrived full of news of peace between the nations, and yet Jackson maintained his stubborn attitude. On March 3, Louis Louallier, a member of the legislature, published a vehement protest in the "Courrier de la Louisiane." Jackson ordered Louallier to be arrested and court-martialed as a spy. Judge Hall, of the United States District Court, granted a writ of *habeas corpus* for Louallier and was himself arrested for aiding the "mutiny." Both men were confined in the barracks; the clerk of the court was threatened by Jackson when he insisted that his duty compelled him to issue the writ ordered by Judge Hall, and the marshal of the court was similarly threatened in case he served the writ. An official messenger now arrived from Washington to announce the conclusion of the terms of peace, but unfortunately, by some accident, the correct packet had not been given him, and a message destined elsewhere had been given him by mistake. There was no doubt of the truth of the news, but Jackson maintained that he had not yet been officially informed, and that martial law would still prevail. Dick, the United States District Attorney, applied to Judge Joshua Lewis for a writ of *habeas corpus* for Judge Hall. The writ

was granted, and Jackson ordered both Dick and Lewis to be arrested, but soon countermanded the order. On March 7, Louallier was tried as a spy before Major-General Gaines and acquitted. Jackson now saw no chance of convicting Hall, so released him and rescinded his order in regard to the French citizens. On March 15 the delayed dispatches from Washington reached him, and as he was therein ordered by the President to pardon all military offenses, he availed himself of this order to retire as gracefully as possible from the difficulties into which he had gotten himself.

On March 21, Jackson was himself brought to trial before Judge Hall for contempt of court and fined $1000. The fine was paid on the spot, and partisans of the general drew his carriage from the court house to the Exchange Coffee-House, where he was toasted, and where he made a conciliatory speech.

The people were satisfied. In every respect they had been vindicated, on the field of battle and in the halls of justice. Against prejudice, they had won the praise of Claiborne and Jackson. President Madison had assured them of his "sensibility to the decided and honorable proof they had given of their attachment and devotion to the Union, and of their manly support of the rights of their country." The Congress of the United States unanimously and by special resolution praised them in the highest terms.

CHAPTER XII

POLITICAL AND ECONOMIC TROUBLES LEADING TO SECESSION

After the war, the State settled itself to the task of internal development along the lines laid down by the slowly increasing influence of Americanism. At first it was the struggle of the newer ideals represented by the Anglo-Saxon newcomers against the dominant ideals and men of the older Latin civilization; then an uncertain, easily displaced equilibrium between the forces; finally the prevalence of a modified Americanism in all things save in some traits of communal character which even to-day distinguish the true native of southern Louisiana, at least, from the rest of his fellow citizens in the United States. When Governor Claiborne relinquished his office after thirteen years of tenure, the candidates represented the two races, and even at this first election the name of Jacques Villeré gained the office by only a few votes over that of Joshua Lewis.

American politics and parties began their work. The importance of personality diminishes in the state history, and the recorder of that story finds mere leaders, — representatives of parties rather than personages of striking individuality. There are no more Bienvilles or De Vaudreuils. The pen feels no longer the temptation to linger over such names as O'Reilly, Galvez, and Casa Calvo.

In the record of the State, also, between the period just closed and the time when secession, war, and reconstruction isolated the State from the rest of the Union, the

history is but little individualized. The record is of internal development but little different from that of the rest of the country; the politics the same; the important events merely Louisiana's share in the larger activities which concerned the whole nation, and which can be told only in the history of the nation and not of any particular State. The years may be passed over rapidly in such a narrative as the present.

General Jackson's bold raid into the Spanish province of East Florida against the Seminole Indians, in 1818, brought about a final treaty with Spain in the following year, whereby the boundary questions were formally settled. By this treaty the troublesome western line between Louisiana and Texas was definitely fixed at the Sabine River. Some years elapsed, however, before the troubles of the border were completely settled. Many of the privateers and smugglers that had been driven from Barataria formed a settlement under Jean Lafitte at Galveston on the Texas coast and continued their operations from this point until finally dispersed by the United States government in 1820.

In 1820, Thomas Bolling Robertson became governor of Louisiana. During his administration some attempt was made to systematize public education in the State. Very little support was given to this work until 1845, and public schools, in the real sense of the word, were practically non-existent until that time. Little attention was paid to primary education, and legislative support was given only to institutions such as the College of Orleans and others similar to it in different parts of the State. There were many good private schools in New Orleans, and many competent tutors and governesses conducted the preparatory training before the customary voyage to France. The College of Orleans had been incorporated in 1805, but sufficient funds had not been raised to open it until 1811. Gayarré, in his "Fernando de Lemos," has given a lively description of this picturesque

seat of learning. The college was broken up in 1826 by the appointment of the famous French revolutionist Lakanal as principal. The girls of New Orleans depended for many years upon governesses, tutors, and the convent of the Ursulines. A priests' college was established at Grand Coteau in the Attakapas country. At Jackson in East Feliciana Parish was the College of Louisiana; the College of Jefferson was established in St. James Parish; and in 1835 a medical college was chartered in New Orleans. Grammar schools had been established in the parishes in 1811, but the State contributed for some time only $600 a year to each parish for their support, and the system was ineffectual. It was not until 1845 that the bequest of John McDonough made a system of common schools practicable. The old patrician civilization, founded upon a basis of slavery, was unfavorable to the growth of education among the unprivileged classes, though it fostered the highest degree of intellectual development among the upper.

In 1824, Henry Johnson was elected governor. His administration was occupied chiefly by a continuance of troubles on the Sabine frontier and questions of state politics. In 1825, the state capital was changed from New Orleans to Donaldsonville.

Pierre Derbigny became governor in 1828. During the short period of his office he attempted to reach a solution of the general discontent and loss caused by the fact that the United States still refused to make disposition of the twenty-five million acres of public lands held vacant from the time of the cession, thus checking immigration and the spread of population to the detriment of the prosperity of the State. Governor Derbigny was thrown from his carriage and killed in 1829. Armand Beauvais and Jacques Dupré, successive presidents of the Senate, acted in turn until A. B. Roman was elected governor in 1831. New Orleans was again made the capital of the State. During his term Louisiana was twice visited by the plague

of Asiatic cholera, which ravaged a great portion of Europe and America at this time.

E. D. White became governor in 1835. It was during this time that Louisiana suffered its share of the national infliction of "Bankomania," with the result that fourteen banks in New Orleans suspended specie payment and the city was forced to issue and authorize corporations to issue bills varying in value from one bit (the Spanish *escalin* or 12½ cents) to four dollars. The new tariff had, moreover, so depreciated the value of sugar that most of the planters abandoned its cultivation and turned to the raising of cotton. The cotton crop for 1837 was 225,000 bales.

In 1839, Roman was elected to his second term. Banking and financial troubles continued during this term. Imprisonment for debt was abolished in 1840.

In 1843, Alexandre Mouton became governor. The constitution adopted in 1845 attempted to establish a proper system of registration for voters, as the troubles growing out of the presidential election of 1840 had fully proven the old system defective.

In 1845, Isaac Johnson was elected governor. During this administration the aftermath of the long series of border disputes was reaped. Texas had remained a part of the now independent country of Mexico, but many Americans believed that the act of cession of Louisiana entitled the United States to this territory. Many Americans had moved into Texas and settled there. After the failure of the United States in its attempts to purchase Texas, that province, in 1835, declared its independence and asked for admission to the United States. When this was done, after considerable opposition from the non-slaveholding States, in 1845, war followed between the United States, and Mexico. General Zachary Taylor, who had been living on his estate near Baton Rouge, was sent to the frontier with a small army. Louisiana felt the liveliest interest in the war. The

legislature at once voted one hundred thousand dollars for the support of General Taylor's force, and volunteers rushed to arms. In this war Major G. T. Beauregard won his first military reputation. This war was the natural and inevitable consequence of the acquisition of Louisiana and the Mississippi Valley, and the victory of the United States committed the country still further to its course of territorial expansion. Heir to the ambition and hopes of the pioneers of France as well as to the territory they won, the American nation had now followed the path of its destiny to the Pacific Ocean.

In 1850, Joseph Walker was elected governor of the State. A constitutional convention was held in 1852 to make the constitution of the State more democratic. The judges of the Supreme Court were removed from the governor's appointing power, and these and most state offices made elective. The whole policy of this instrument was to limit the power of the governor and make as many offices directly dependent upon popular election as possible. The capital was now established at Baton Rouge.

Paul Hébert, president of the constitutional convention, was elected governor in 1853.

In 1856, Robert C. Wickliffe became governor. His was a time of turbulent politics and bitter feeling. The position of New Orleans made it the resort of revolutionists and filibusters, who had their eyes upon struggling republics of Central and South America. The attempt of Lopez, Crittenden, and their associates to cause a revolution in Cuba is noteworthy in the history of American filibustering. The expedition had many sympathizers in New Orleans among Cuban refugees, and when the news of the tragic end of the undertaking reached New Orleans, a small riot took place at the Spanish Consulate. State politics were in a disastrous condition. In the words of Governor Wickliffe: "It is a well-known fact that, at the two last general elections,

many of the streets and approaches to the polls were completely in the hands of organized ruffians, who committed acts of violence on multitudes of naturalized fellow citizens who dared to venture to exercise the right of suffrage. Thus nearly one third of the registered voters of New Orleans have been deterred from exercising their highest and most sacred prerogatives." The trouble grew out of the habit of extending the privilege of suffrage too easily to foreigners who, by their ignorance, were not prepared to exercise it with intelligence, and consequently were at the disposal of the unprincipled politicians of any party which might care to buy votes of them or hire them for acts of violence and intimidation. The opposition, or native American party, was driven also to the employment of force. At the time of the municipal election in New Orleans in June, 1858, a body of armed men, acting under orders of a *Vigilant Committee,* took possession of the court house and arsenal at Jackson Square, barricaded the streets, and assembled a force of about a thousand men. The native American party also armed its members, took station in Lafayette Square, and planted cannon. Fortunately, cool counsel prevailed, and a quiet election followed. The native American candidate, Gerard Stith, was elected mayor over G. T. Beauregard, the candidate of the other faction. Such discords were the order of the day in every State of the Union, and may be considered among the special privileges of a government by the people, such as ours. There was more serious trouble, however, to be met with, trouble which nothing but war and the uprooting of the very basis of Southern civilization might cure.

There had always been, in the United States, men of conservative mind who had opposed the rapid acquisition of territory, which was the policy of the people and their real leaders. It will be remembered that the acquisition of the Mississippi Valley had been a matter of sheer necessity to the whole nation, though the demands for its

possession came from the people of the South and West; and yet statesmen of the North and East, from New England especially, opposed first the acquisition of the valley and finally the admission of Orleans Territory as the State of Louisiana. The Mexican war of 1845, the annexation of Texas, and then of the vast tracts of land west of the Rocky Mountains to the Pacific, were but the sequel, the logical outcome of the Louisiana Purchase; yet again, in these cases, the cry of the conservative was lifted in warning lest the widening of the country exaggerate its internal weakness, lest the introduction of alien races produce dissension in the national nature itself, and lest the vast distances and isolated communities resulting from this immense increase of territory prevent the national government from exercising any centralized control or from binding the States together in a union of common interests. The view expressed by Coleridge[1] was held not only by many Europeans but by many Americans. He said: "The possible destiny of the United States of America — as a nation of a hundred millions of freemen — stretching from the Atlantic to the Pacific, living under the laws of Alfred, and speaking the language of Shakespeare and Milton, is an august conception." Such, indeed, was the hope which had led the advocates of expansion, like a pillar of fire, ever westward. Yet people of both New and old England accepted Coleridge's qualification of this splendid vision: "The Union will be shaken almost to dislocation whenever a very serious question between the States arises. The American Union has no centre, and it is impossible now to make one. The more they extend their borders into the Indians' land, the weaker will the national cohesion be." He was right. The country had never been a unit. The States had entered the compact grudgingly, and had jealously refused to grant to a national government any privileges that might interfere

[1] *Table Talk*, 1833.

with their rights as "free and independent States." The North and the East had at first been the most coy about entering the national compact, and more than once differences of sectional interest had roused threats of secession from that quarter. Yet necessity had for some time been impelling this portion of the country to desire a more centralized government, and there were forces at work throughout the nation to bring this about. Time alone, with the spread of the railroad and the telegraph, could bring the distant sections so close together as to unify their interests to any great extent, and the country was yet in crude process of evolution towards this end. It was mere necessity, and no consciously formed and purely rational policy, which finally committed the whole of the North and East to a support of the national tendency towards a strongly centralized government, whereas they had formerly opposed such a tendency when it conflicted with sectional interests. It was mere necessity which finally solidified the South into opposition to this tendency until war and destruction had violently removed the cause of most acute disagreement. It is at the present day becoming possible to consider all these violently agitated questions and their bloody settlement by trial of battle from a point of view which includes the ultimate destiny of the nation as a whole, and which regards the entire conflict as a process of organic evolution towards an end as yet so far distant in the future that the instinctive and apparently discordant forces at work in the process sink into individual insignificance and fall into prospective harmony. The multitudinous needs and activities of the people of the country combined at the point of crisis into two opposing forces, neither of which alone contained the final destiny of the nation. The complexity of these diverse tendencies, each based upon the natural needs of a portion of the nation, represent the process of differentiation which inevitably accompanies all organic growth. Their con-

flict was equally inevitable before there could be discerned, in this complexity and divergence, the tendency towards a higher organic unity. If the process might be viewed impartially, as a biologist views the differentiation and development of special organs in an embryonic animal organism, there would be as little imputation of praise or blame to any of the special forces at work as the scientist puts upon the special organs if at first they fail to coöperate as efficiently as the needs of the organism demand.

There were great racial, economic, and commercial differences between the Northeast and the Southwest, differences of policy, differences of interest, differences of ideal; but the fundamental reason at bottom of the diverse growth of the two sections was the presence of a large negro population in the one and its absence in the other. We have already seen how the conditions under which Louisiana had been colonized had forced African slave-labor upon it. It has been indicated how the nature of things made this institution profitable from the beginning, and finally the very basis of the prosperity of the State. In spite of a certain amount of commercial prosperity, and in spite of its position at the gateway of the Mississippi Valley, New Orleans had not fulfilled the predictions of its prophets. As long as the upper valley depended upon the river as a means of transportation, New Orleans might hope to be its chief port; but the growth of railroads and the superior commercial activity of Northern ports had rapidly reduced the importance of New Orleans as a shipping point, except for the one staple, — cotton. The State, like the rest of the South, was rich in natural resources, mineral as well as agricultural; navigable waterways made the vast timber-lands accessible, and no port in the world was more kindly planned by nature for an extensive trade; but all impulse and tradition had turned the energies of the State towards agriculture. The fact that a large portion of its

soil was admirably adapted to the production of cotton and that this crop was profitable, especially by slave cultivation, committed a great part of the inhabitants either to cotton-planting or to handling and exporting it. Sugar, rice, and tobacco likewise demanded cultivation upon the plantation system. The South had long seen the danger that might in time arise from the presence of an inferior race at the very heart of its civilization. There had been an early tendency in Virginia and North Carolina to abolish the institution of slavery, and men like Washington and Jefferson were morally opposed to it. In these States slavery was less of a necessity than in the Gulf States, and it was in the cotton belt that slavery became inevitable and was perpetuated.

Granted, then, the unavoidable presence of the African, it became necessary to adjust legally this alien mass to the Caucasian civilization into which it had been drawn in such a way that the highest institutions of the higher race might be least affected by this degrading element. The instinct of racial pride, so strong in the Anglo-Saxon, wherever he may come in contact with an inferior race, suggested the one practical solution of the problem, — that of keeping the black effectually under the white. In spite of the abstract moral wrong inherent in human slavery, the testimony of fact seems to be that this method of humane control was practically better, both for white and black, than the reconstruction method of attempting to raise the negro to a position of superiority, and better for the black at least, than the present plan of forcing the negro, both North and South, by a legal equality into a competition with the superior white, which he cannot survive.

Slavery, then, lay at the basis of the difference between the Northern and Southern sections of the country. This meant that the South would be agricultural, could have no large industrial classes and no manufactures of any great extent, that an aristocracy would develop at the

expense of the rest of the people, that the general internal development of the country would be slow, that in financial and economic questions the interest of the planters would cause them to demand state banks and favor unrestricted foreign trade. Slavery, having failed to be profitable at the North, had been of course abandoned there, and the energies of that section turned chiefly towards manufactures or the raising of such crops as might be profitable to the holders of smaller tracts of land. The Northeast, then, was committed to the reverse policy of a national banking system, encouragement of domestic manufactures by high tariffs on foreign imports, and to internal improvement of rivers and harbors. In one respect and in one part of the North, slavery received strong support. Eli Whitney's invention of the cotton gin and the rapid growth of cotton mills in New England committed that section to the support of Southern slavery, and strongly encouraged its extension, just as, at the present time, these same mills encourage the still worse slavery of child-labor in the same industry. Moreover, the slave trade had been carried on almost exclusively by New England seamen, especially from Rhode Island, and the slave-driver and dealer was almost invariably a man from the North, as such a person lost caste in the South, and was looked upon with contempt. Thus, at the beginning, the North was implicated with the South in the perpetuation of the system.

The form of life developed in such a State as Louisiana, and the patriarchal structure of society resultant therefrom, have been already sketched. The outwardly harsh aspect was hard for the alien observer to reconcile with the true kindliness and charm of the inner life. Out of the rich, decomposing soil of slavery flowered in the privileged classes all the open-handed and large-hearted virtues, cordiality, kindness, hospitality, bravery, and independence. If intense pride, sensitiveness, and high spirit were also developed, these were tempered, in

the best types, by an unfailing courtesy and a delicate sense of personal honor. The men of this class turned to the law as the one profession and to oratory as the one art. Generations of application to this art and this profession produced a succession of statesmen who were able, in spite of a numerical minority, to direct the national government for many years. Their creed was substantially that of the founders of the republic and was markedly opposed to a too strongly centralized national government. That politically this creed did not advance in some respects with the changing needs of the country at large was due to the necessities which weighed upon the South and to the general tendency of American politics to an increasing sectionalism until the crisis of the Civil War.

In the period of American history succeeding the War of 1812, when the country was for a time less concerned with international questions and before national or sectional issues assumed very important proportions, the parties divided upon questions of preference for particular candidates rather than upon principles. This was the opportunity for such leaders as were produced by the South and West. Their success soon developed a strong opposition, which was not slow to attempt to check any further advances of the Southern party towards control of the government. Thus the question of prohibiting or permitting slavery in newly admitted States was vital to the future preponderance of either party, and was bitterly fought out in the cases of Missouri, Texas, Kansas, and Nebraska. The war with Mexico turned largely upon this issue, as is shown by the fact that twice as many volunteers went to the war from the South as from the North. The bitter tariff debates between 1828 and 1833 further divided the country upon points of sectional interest, and under all points of difference lay the question of African slave-labor as a fundamental cause. The moral question of slavery had hitherto been considered perhaps less at the North than at the South, for the South had

naturally more to fear from influence in this direction. Those who advocated abolition upon abstract or moral grounds at the North were held in but little consideration. Phillips and Garrison were mobbed by their own people. Northern interest had not been sufficiently aroused, and the abolitionist was two vague in his theories, too regardless of practical consequences, to appeal upon merely ethical grounds to such practical minds as those of the majority of his fellow citizens. Incendiary editorials, speeches, and resolutions caused bitter feeling and roused strong resentments at the South, but little beyond this was accomplished. The boldness, not to say lawlessness, of the more fanatical of the abolitionists called forth retaliatory measures. Persons from the North were caught in Louisiana attempting to incite the negroes to insurrection, and the legislature passed laws laying the heaviest penalty upon such dangerous offenses. In the South, the general impression prevailed that all abolitionists were either fanatics hostile to law, order, and the integrity of the white race, or canting hypocrites who pocketed the funds they raised from hysterical audiences. Consequently the less conservative among the Southerners, without considering the question with more impartiality than did the abolitionists themselves, flamed into hatred of everything Northern and began to preach secession — at first mere peaceable withdrawal from the Union. Webster, in the speech of 1850 already referred to, foresaw the futility of this movement as clearly as he saw the folly of the rash methods pursued by the abolitionists. He saw as did all conservative men, North and South, that misunderstanding and inconsiderate enmity were hurrying the country to civil war. "Secession! Peaceable secession!" he said. "Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without a convulsion! . . . Sir, nobody can look over the face of this country at the present moment — nobody can see where its population is

most dense and growing — without being ready to admit, and compelled to admit, that, ere long, America will be in the valley of the Mississippi. Well, now, sir, I beg to inquire what the wildest enthusiast has to say on the possibility of cutting off that river, and leaving free States at its source and branches, and slave States down near its mouth ? "

But finally the abolitionist at the North and the secessionist at the South won political support, when it was seen that political capital might be made of this inflammable stuff. The zeal of the emancipation orator was turned against the Eastern manufacturer who profited from slavery, and therefore found excuses for its existence. The movement became popular and paying. The literary tribe joined the hue and cry, and many a rhymester who later stayed safe at home when the fighting began, and dared not risk the shedding of his precious blood, became a veritable Tyrtæus in advance of personal danger, shed his ink like water in the cause of the oppressed slave, and waxed loud in his imprecations of wrath upon the head of the ruthless master. The most ignorant and preposterous opinions and charges passed current, and the most violent utterances were received and encouraged in the excitement by really good and harmless people, as feeling grew hotter and judgment blinder. The gratuitous insults heaped upon the South, the vaporings of Mrs. Stowe, and the incendiary verses of the Quaker poet, had the inevitable effect of arousing equally unreasoning resentment. At first the negro was viewed by the distant abolitionist as a down trodden, simple creature, faithful as the dog, forgiving the hand that lashed him, starved and brutalized, and hunted, if he sought to escape, by pleasure parties of ladies and gentlemen with horses, hounds, horns, and all the panoply of fox-coursing.[1] Maudlin sentimentality, kindled to frenzy by such tales and fanatic rhetoric, magnified

[1] See Whittier's *Hunters of Men*.

the wrongs and virtues of the slave, till he became a creature of physical and moral beauty, as his master became a monster of vice and atrocity. Owing to lack of knowledge, these attacks did not strike the weakest, the most blameworthy side of slavery. Only the Southerner, only the holder of slaves, knew the great, the real danger that threatened not the negro but the white man. It is a fact beyond dispute that the negro had been raised from African savagery to a condition of comparative civilization. From the negro and for the negro, if left to himself and his Southern master, there had been little to fear. If he were worthy and industrious, or if he showed any of the higher stirrings of humanity, it was by no means an impossible task to win his freedom. The planter, whatever might be his regret of the fact, could see no possibility of abolishing slavery altogether without bringing ruin upon his whole class; but many an individual master freed his slaves, and many hoped that time and wise legislation might bring about the solution of the troublous question of bondage and its moral responsibility. Nevertheless, a brief glance at the laws of such a State as Louisiana will suffice to show that the people were alive to the real source of danger, and were conscious of the fact that is being more fully recognized to-day, namely, that the real negro is yet almost a negligible factor in the problem, but that the white man has to deal with the mulatto in more ways than one.

It will be remembered that the method of settlement adopted by the French in Louisiana, and the nature of the colonists themselves, had made slavery imperative, and that the institution had been forced upon the people to an extent which had, even at the outset, alarmed far-seeing minds. In addition to the negroes imported by the Company of the West, many lawless and degenerate whites had been deported by the Company from France to the colony, and in many cases, despite legal attempts to prevent it, a mixing of the races had occurred. This

question has never been fairly viewed, and therefore not understood outside of the State itself. A class of quadroons grew up with alarming rapidity, and, by a process of natural selection which may be easily inferred, developed just those characteristics which made it dangerous. Many of these quadroons, being endowed with superior mental qualities and ambitions which were impossible to the pure negro, won their freedom, and demanded a place in the civilization of the whites. To the men of this class, only positions of inferiority were open. Discontent was the result, and when trouble occurred among the slaves, or between slaves and masters, it was almost invariably fomented by the mulattoes. The women of that class were the source of a yet more serious danger. They despised the negro as an inferior, and those of them who were ambitious regarded alliances with even men of their own class as limiting. Marriages between free women of color, even those from whom all repulsive African traits had been eliminated, and white men of any class were forbidden by law and condemned by the instinct and sentiment of a majority of the people. The quadroon woman, then, who possessed a certain amount of physical attraction, had but one means in her power to gain influence or gratify any ambition she might possess. It was unfortunate for the consistency of defense, which the white race of the South has always made for its racial integrity and the maintenance of its natural superiority, that a weak side was left open upon which the disintegrating influence of the comely quadroon woman worked insidious destruction. It can be readily seen that her hereditary temperament was of necessity lascivious and unmoral, as she was the product of the lust and weakness of two races. It is not to be denied, also, that there were many white men, even among those whose position should have checked them, who weakened the cause of their own race by yielding to the lower temptation offered by the condition of these women.

From this cause a further complication and misunderstanding arose. Many children of such unions were sent to France or the Northern States, were educated, and won social position where their antecedents were not known. Many of them assumed the names of their white fathers, the same names borne also, perhaps, by the purely white children of the same father's legal wife. As this became known, the belief spread among persons not in possession of all the facts, that the process of miscegenation was general in such a State as Louisiana, and that the whole white race was tainted. That the purity of the white race was maintained by its women, even to the lowest in social position, need scarcely be asserted as a fact self-evident. That the white male was responsible for an infusion of white blood into the inferior race with disastrous consequences is a fact that cannot be denied or excused. The fact might be explained by a full examination of all the conditions which made it possible, and by remembering that, until the negro had made such dangerous use of the franchise and license granted him after the Civil War, there was not the same feeling of racial hostility which to-day makes such conditions impossible, but no palliation can be found for the weakness which threatened at one time to undermine the white race, and which injured the cause of that race in the eyes of the world.

This danger from the mulatto, both male and female, and from the white man who was copartner with them, was recognized in Louisiana long before the abolition agitation began at the North, and the best minds were directed against it. The evil was being diminished, yet so apprehensive at times were the people that the legislature of Louisiana was once almost at the point of inflicting indiscriminate banishment upon all free people of color. Had the settlement of the question been left to the State, the adjustment of the difficulty would have been effected, if at all, by the bringing to bear of moral

restraint upon certain white men and by preventing the mulatto from acquiring any political influence. The matter held a far more serious import for the South than it could possibly hold for the North, and therefore the violence of the abolition party, especially as the most strenuous advocates of the negro ignored the practical aspects of the case, was taken by the South as mere interference. The South was in reality less concerned with the perpetuation of slavery than with the far more important problem of racial integrity and assured white supremacy. The violence of the secession party, which did almost as much as the abolition movement to arouse bitterness and prevent calm consideration, may be understood when hundreds of speakers and pamphleteers in the North sought to overthrow the institution by which alone the South believed it could for the present control the negro. The assistance which John Brown's raid received from Northern people was enough to make many people at the South believe that the North would rejoice if the slaves should rise and massacre their masters and outrage their mistresses. But even this was as nothing to the resentment roused by the appearance of tracts advocating, as a solution of the race problem, the very course of miscegenation against which every feeling of the South was directing all the opposition of its instincts of self-preservation. To recall the lengths to which fanaticism carried the negrophile on this point, one need only to refer to such pamphlets as Croly's "Miscegenation," which appeared during the war and is the extreme type, the culmination, of much similar theorizing that preceded it. It had the indorsement of men like Wendell Phillips and Theodore Tilton, editor of the "Independent." The author not only advocated the mixture of the races, predicted that the physically superior black race would absorb the physically and morally inferior white, hailed this as a "consummation devoutly to be wished," and perverted the teachings of science and iso-

lated lines of the poets into sophistical support of his fantastic theory, but, after many more nauseating pages, committed the one unforgivable blasphemy, that against the purity of the Southern women.

It was of such fuel as this that the secessionist kindled his fires. It is not to be wondered at that, as the crisis drew nearer, reason and logic were cast to the winds by both sides, that men of conservative tendencies were thrust aside, and that those leaders who most fully represented sectional interests assumed the direction of the people. The impartial student of history will cease to find henceforth in the debates and arguments of the various parties anything like consistency.

During Governor Wickliffe's term of office, Louisiana, as every other Southern State, was torn and disturbed by conflicting opinions; and when, in the fateful year 1860, Thomas Overton Moore became governor, there was little for the executive to do but drift with the current. The approaching presidential election was felt by all to be the final crisis. There was still a chance for conservatism to rule the country, but, on the other hand, extreme parties both North and South, with strong appeals to sectional and violent feeling, swayed more and more the mass of voters. The very existence of the States as a Union hinged upon the coming election. It is a mistake to attribute threats of secession to the South alone, for the extreme party at the North declared that slavery must be abolished even at the cost of the destruction of the Union; the Constitution itself was, in the words of one abolitionist quoting Isaiah, "a covenant with death, and an agreement with hell;" and the future leader of the party, Abraham Lincoln, had declared some years before upon the floor of Congress, "Any people anywhere have the right to rise up and shake off the existing government, and form a new one that suits them better. . . . Any portion of such people, that can, may revolutionize and make their own of so much of the terri-

tory as they inhabit." In the South, the supposedly prevalent doctrine of States' Rights had not been consistently adhered to either in the debates over "squatter sovereignty" or the fugitive slave laws and their violation; and state sovereignty pushed to the extreme of secession, though regarded as a constitutional right, had been always considered an evil. Now, those who advocated the secession of the Southern States had the support of an apparent necessity. The mere fact that such men as Emerson and Longfellow approved John Brown's attempt to incite the slaves to murder their masters seemed to argue that, if the party representing this implacable hostility to the South obtained power at the approaching election, the South could not expect justice or humane consideration, and that anarchy, violence, and bloodshed would be made the policy of the national government.

The strong opposition which the Democrats in the national Senate under the leadership of Jefferson Davis brought against Stephen A. Douglas, the strongest Northern Democrat, caused a split in that party, and resulted in the breaking up of the national convention which met in Charleston in April. The Republican party met in convention in May, and, uniting upon sharply drawn sectional lines, nominated Abraham Lincoln for president and Hannibal Hamlin for vice-president. In the same month, the remains of the old Whig party met in convention. They called themselves the "Constitutional Union party," as representing the conservative elements of both sides, and based their platform upon a general statement of principles. This convention nominated John Bell, of Tennessee, for president, and Edward Everett, of Massachusetts, for vice-president, both men of unquestioned integrity and ability, opposed to the violence and unreasonableness which had unhappily become the order of the day and rendered such an attitude as theirs obsolete. The Douglas faction of the Democratic

party assembled in June and nominated Douglas for president and H. V. Johnson for vice-president. The secession faction of the Democratic party, now completely swayed by that fervid orator Yancey, met in June, and nominated John C. Breckenridge for president and Joseph Lane for vice-president, upon a platform as purely sectional as that of the Republicans.

As the time of the general election approached, feeling reached a point of tension that was almost unendurable. The Constitutional Union party had a strong showing in the South, but the fact that such States as Indiana, Vermont, Maine, and Pennsylvania all went to the Republicans in their state elections convinced the South that the North would vote for Lincoln. Support was therefore rapidly drawn away from conservatism and united with the secessionist party, though fully half the South retained hopes that the Union might be preserved.

The conservative forces were strong in Louisiana. Bell's nomination was ratified by a meeting called in New Orleans and directed by such men as Randell Hunt and Christian Roselius. In the parade which attended this meeting, the "Young Bell Ringers" made their first appearance. Opposed to these was the "Young Men's Breckenridge and Lane Club." They manifested a show of enthusiasm which was more military than political. In one of their processions appeared the Lane Dragoons, ninety young horsemen with black coats, white belts, and gold-banded caps. The Bell Ringers held meetings throughout the city and filled the air with speeches; but the Breckenridge Club outdid them at this game by securing the most popular orator of secession, W. L. Yancey, whom they met in force at the railway station, and whose brilliant speech they reinforced with all the power of strong lungs and public demonstration. Then, in the midst of it all, came the election, on the 7th of November.

The news of Lincoln's election may have brought joy to those whose feelings were raised to the pitch of war;

but to all those who hoped yet for peace and union the news came as a disaster. The Southern Democratic vote showed that, had the Douglas and Bell parties fused, the party favoring secession would have been outvoted. In Louisiana the vote was: for Breckenridge, 22,681; for Bell, 20,204; for Douglas, 7625; for Lincoln, none. Judging from these figures, one would infer calmness and good judgment might yet have ruled the crisis and prevented the disaster of war; but the violence of feeling had gone beyond control, and Lincoln's election united the South in an almost solid opposition. But a few days after the election Governor Moore called a special session of the legislature, to consider the question of secession and the possibility of war. The result was the calling of a special convention to meet in January.

What the decision of the convention would be might be easily prophesied, yet conservatism did not cease its efforts. Many who were not in favor of absolute secession believed in the concerted action of the Southern States. This party issued a pamphlet as a sort of platform, and had strong adherents in New Orleans and especially in the parishes of Claiborne, St. Helena, and Jackson. The city, however, seemed inclined to outright secession. Plaquemines pronounced emphatically for it. The younger men were eager for the opportunity to settle the dispute on the field of battle. The Breckenridge and Lane Club became the First Regiment of light infantry and other political clubs became military, while the friends of united Southern action held meetings and made speeches. Brigadier-General Tracy assembled the state militia, the Crescent Rifles, the Washington Artillery, the Chasseurs-à-pied, the Orleans Cadets, the Louisiana Guards, the Sarsfield Guards, the Louisiana Grays, and sent them to Baton Rouge. Members of the Orleans Battalion of Artillery, the Chasseurs-à-pied, the Chasseurs d'Orleans, the Jaegers, and the Lafayette Guards were sent down to Forts Jackson and St. Philip.

The Continental Guards took possession of Fort Pike and the Rigolets. No resistance was offered by the Federal troops in any case. Foreign residents of New Orleans organized small companies to serve as defense and to preserve order.

The resolution of the legislature calling for a convention to consider the question of secession had been ratified by a popular vote of 4258 for secession against 3978 for united Southern action. Thus instructed, the convention met at Baton Rouge on the 23d of January, 1861, with Ex-Governor Alexandre Mouton presiding. A drafting committee of fifteen presented an ordinance of secession, which finally passed the convention by a vote of 113 ayes to 17 nays. After the passage of the ordinance, however, it was signed by 121 delegates. Louisiana's connection with the United States was formally declared dissolved, and a delegation was elected to represent the commonwealth at the convention of Southern States called to assemble at Montgomery on February 4 for the purpose of forming a Southern Confederacy. A state flag was adopted and unfurled at Baton Rouge. On March 21 the convention ratified the Constitution of the Confederate States adopted at Montgomery, and the State Constitution of 1852 was modified to suit the changed conditions. Authorization was given for the enlistment of five hundred regulars for four months with pay and rations equal to those of the United States army.

The constitutional right of the State thus to resume the powers which the commonwealths had separately delegated to the national government cannot be argued in this place. An impartial summary of the situation seems to reveal that the seceding States had upon their side precedent, the old order, and the literal interpretation of the Constitution. The North represented the new order, and pretended to a spirit higher than the constitutional compact. That the civilization of the South was upon an insecure and dangerous basis for itself and

for the whole country was the fault of necessity, not of choice, a matter of historical growth and not of deliberately chosen policy. That the real motive of the North, as a mass, was political power, and no abstract question of right or wrong, was proven by the use which the Republican party made of its victory. That the motives of the Southern leaders who directed the country in its secession policy were equally political is also true. That the ultimate result of the war was perhaps the most fortunate for the whole country, though this question is subject to grave doubt from the purely Southern point of view, is due to the working out of a destiny of which neither side was conscious in the struggle.

CHAPTER XIII

CIVIL WAR AND DEFEAT

THE first aspect of the war and the policy of the Confederate government drew the Louisiana volunteers to distant Virginia or Tennessee, where the first danger threatened. Her ablest officers, too, were hurried to the front. Braxton Bragg, commander of the state troops, Beauregard, product of her own soil and Latin blood, Leonidas Polk, her fighting bishop, assumed direction of the earliest battles. The first year of the war hurried by at a distance, and the spring of 1862 approached before Louisiana was actually threatened with invasion.

According to the plan which the Federal government had adopted for the prosecution of the war, the Mississippi Valley and New Orleans were of the utmost importance. The fighting qualities of the Confederates, the ability of their leaders, and their first successes, convinced the leaders of the North that the new country could be defeated only by wearing it out and by employing every resource of superior wealth and numbers. Conscious of its inferior resources, the South felt that it must fight rapidly and could hope to win only by sheer military prowess. The North, on the other hand, felt that a prolonged war would but increase its strength while it weakened that of the Confederates. The Federal conduct of the war was such, therefore, as could only be accomplished with unlimited resources of wealth and a practically unlimited supply of men. The plan was to blockade the entire sea-coast and thus cut off the Confederacy from foreign trade or communication; to

keep a strong army before Richmond to threaten the capital and confine Lee to that district; to advance along the Ohio Valley and win the border States; to clear the Mississippi River by means of gunboats, thus lopping off the western members of the Confederacy by turning the left flank of the enemy; and finally, when the strangling chain of armies had been completed, to tighten its coil and crush Lee between overwhelming forces on his front, rear, and flank. This plan had been slowly and stubbornly prosecuted. The blockade had already been effected along a considerable length of the coast. The armies of the Ohio Valley had succeeded in keeping Bragg out of Kentucky and by sheer weight were now pushing him southward towards Shiloh. Fort Henry on the Tennessee and Fort Donelson on the Cumberland had been captured; and finally the formidable points of New Madrid and Island Number Ten had been seized and the Mississippi River thus opened to the Federals as far south as Memphis. The strong fortifications at Vicksburg and Port Hudson, however, promised to effectually block the river to the Federals for some time to come, and New Orleans with the Forts Jackson and St. Philip closed the entrance from the Gulf.

Early in the war the necessity of capturing New Orleans had been felt by the government at Washington. The place controlled the lower Mississippi; its capture would enable the Federal fleet in the Gulf to coöperate with that on the upper river against Baton Rouge, Port Hudson, Vicksburg, Natchez, and Memphis; it was, moreover, the most important city of the Confederacy, its only commercial centre of great importance, and the only place in the South where factories, machine shops, and skilled workmen were at all numerous. Into New Orleans, also, ran the Opelousas Railroad, which offered transfer to the rich foodstuffs of western Louisiana and Texas. It is strange that the Confederate government was not equally alive to the importance of New Orleans

and the Mississippi, or aware that the Federal government could not fail to attempt to gain possession of both. Since the American occupation, New Orleans, by virtue of its position and the ever-increasing river trade, had grown so rapidly that in 1840 its population was over 100,000 and it ranked fourth, after New York, Philadelphia, and Baltimore, as the largest city of the country. At the time of the war, the growth of railroads throughout the country, the misfortune of yellow fever, and the failure of the local business men to adapt themselves to the new conditions which removed some of the advantages bestowed by the old steamboat trade had caused New Orleans to lag behind the greater Northern cities in commercial importance; but at the time of the war its population was 170,000, and it was still one of the most important ports of the world, especially for cotton, the backbone of Southern prosperity. The control of New Orleans meant the control of the lower Mississippi and the rich fields of lower Louisiana.

General Mansfield Lovell, in command of Department No. 1, which included the defenses of New Orleans, had been repeatedly called upon to furnish reinforcements to General Beauregard in Tennessee, and now, in the spring of 1862, had under his orders but 3000 ninety-day militia, only 1200 of whom were armed. He had established two lines of defense. One, under General Duncan, held the forts and earthworks on the river below the city. The second, under General M. L. Smith, was to defend Algiers and New Orleans; the ram Manassas lay in the river. A raft of chains and logs had been stretched across the river between Fort Jackson and Fort St. Philip. The force of the river had broken this obstruction, but private contributions of citizens had furnished means to replace it with a line of boats bound and chained amidship. This, too, was broken by the river. Meanwhile news came that a Federal fleet under Farragut had crossed the bar and was preparing to ascend the stream. The

miserable little fleet under Captain Mitchell arrayed itself to repel the invaders. These boats were nothing but harmless old river steamers rechristened with warlike names — The Warrior, The Defiance, The Stonewall Jackson, The Resolute. There were three rams, but one of these, the Louisiana, was unfinished and took no part in the fight. The forts had together but about 1500 men, few guns, and little ammunition. Farragut had eight strong sloops of war, eighteen steam gunboats, and twenty-one mortar boats under Commander Porter. All these were wooden vessels, of course, and the risk to them in the attack upon the forts was considerable. In addition to the naval force, 13,000 men, under General Benjamin F. Butler, accompanied the expedition. The fleet carried in all 177 guns.

By the 16th of April Farragut had gotten all his large vessels over the bar and into the river. At the point where the forts are situated, the river makes a sharp turn and runs almost due east and west. The fleet was thus able to approach close to them, and yet remain hidden from view behind the thick trees that crown the bend. Here Commander Porter anchored his mortar boats and began shelling the forts over the tops of the trees in the hope of reducing them, as he thought Farragut's plan reckless. Farragut intended to run his vessels past the forts, break through the obstructions placed across the river, and boldly attack New Orleans, though thus compelled to leave the enemy fortified in his rear. The bombardment had such slight effect on the night of the 20th, that Lieutenant Caldwell, with the two small gunboats Itasca and Pinola, was sent to break up the line of dismantled schooners which had again been chained across the river. At the greatest risk, this dangerous task was successfully accomplished. Then at two o'clock on the morning of the 24th, Farragut ordered his fleet to pass the forts. Several vessels slipped past Fort Jackson before the batteries of the fort opened upon them, but most

of the fleet had to pass through a hail of shot from both forts and then grapple with the Confederate flotilla above. These were easily destroyed. The iron ram Manassas alone was a serious antagonist, but her engines were inefficient, and unsupported she could do little; yet she hung upon the rear of the fleet as it ascended the river till she was finally pounded to pieces by the guns of the Mississippi. But three of the Confederate vessels remained. The unfinished Louisiana lay moored to the shore near St. Philip, and two other boats lay under shelter of the guns of Fort Jackson.

The Federal fleet steamed up to New Orleans. On the levee citizens had been burning cotton and stores and some half-built gunboats. In the smoke and wreckage a great crowd had assembled. General Lovell had evacuated the city with all his troops, and no military authority was left either to resist or surrender to Farragut. In spite of the fact that some of the mob on the levee showed hostility, Captain Bailey and Lieutenant Perkins landed, went to the City Hall and demanded the surrender of the city from Mayor Munroe. The mayor replied that he was unable to surrender, as he had no military authority and as no troops remained in the city, but that nothing prevented the Federal troops from landing and taking possession. Marion Baker was sent by Mayor Munroe to explain the situation to Admiral Farragut. The City Council was convened on the 26th and a written message, drafted by Pierre Soulé, was adopted and ordered sent to Farragut. Before this message could be copied and presented, Farragut made another demand for unqualified surrender, but did not attempt to land. Some marines, however, though without his order, hoisted over the mint a United States flag, which was torn down by a man named Mumford and several others. Farragut, becoming impatient of the delay and being unable to occupy the city with Butler and the troops which had not yet been able to get by the forts, now threat-

ened to bombard. The mayor again assured him that the city was defenseless, and that there was no military force to surrender. Finally, on the 30th of April, a small force of marines was landed and marched to Lafayette Square. Howitzers were planted before the City Hall, the state flag taken down and that of the United States raised.

Meanwhile Commander Porter had bombarded the forts below the city, and had succeeded in capturing them on the 28th; for the soldiers, learning that Lovell had offered no resistance to Farragut at New Orleans, had mutinied, fired upon their officers, and caused a surrender. General Duncan stated that there was hardly a loyal man in either fort save the St. Mary cannoneers. General Butler now moved his men up the river on transports, garrisoned the captured forts, and proceeded to New Orleans. On May 1, 1862, he landed six regiments of infantry and some cavalry and artillery, and himself entered the city. Butler's reputation had preceded him, and the mob that lined the levee and the streets had an ugly look. So the general made himself as inconspicuous as possible upon the occasion of his triumphal entry, walked among the ranks, and betrayed some nervousness; but the ungainly figure that had not acquired enough of the military habit to keep step with the troops was marked by many an eye, and many could read in the unmistakable lines of that face an ill omen for New Orleans. Butler marched to the St. Charles Hotel and planted cannon and guards about the building. He seized the press of the "True Delta," turned out the editor, and issued thence the first of his proclamations, putting the city under strict military rule.

Butler began his work upon the assumption, to use his own words (General Order No. 26), that the city contained only "fugitive masses, runaway property burners, a whiskey-drinking mob, and starving citizens with their wives and children." His object was apparently to

humble and ruin the upper classes, thus elegantly characterized above in his picturesque style, with the hope of winning the favor of the lower. The very wording of his first proclamations betrayed the soul of a dangerous demagogue rather than a soldier, and the resentment aroused was immediate and universal. His reputation for cowardice and corruption had already been established, but the people of New Orleans were soon to have practical illustrations of both and were to be further subjected to specimens of his pretty wit and vulgar facetiousness — traits of the general's character which took unusually exasperating forms. John Fiske expresses this opinion :[1] "The selection of such a man for such a command was a needless though unintentional insult to the conquered city. Where military rule, at once stern and just, is required by circumstances, it is far better to have a true soldier than an unscrupulous politician, bent upon money-making and intrigue."

Butler assumed his duties at once and prosecuted his policy with vigor. The municipal authorities were turned out of office. General George F. Shepley was appointed Military Commandant of New Orleans, a Provost Judge, a Provost Marshal, and his Deputy Marshal were appointed. The New Orleans and Opelousas Railroad was seized, thus cutting off from the Confederacy its supply of Texas cattle by this route, and affording himself the opportunity to operate the road by means of United States soldiers, for the pecuniary benefit of his brother, who embarked extensively in the cattle trade. Mumford was hanged for having torn down the United States flag hoisted without orders by marines before the city had been formally occupied by Federal forces. Men, women, and children were subjected to insult. One lady, charged with laughing while the funeral of a Federal officer was passing, was condemned to two years' imprisonment upon Ship Island. Butler then

[1] *Mississippi Valley in the Civil War*, p. 129.

issued his infamous "woman order," No. 28, arrested Mayor Monroe for protesting against it, and sent him with his secretary, the chief of police, and Judge Kennedy, to Fort Jackson. Pierre Soulé was arrested and sent to prison in Fort Warren, Boston Harbor. Men and women were arrested indiscriminately and sent to hard labor on Ship Island, under negro guards. Butler seized the house, furniture, and plate of General Twiggs and established himself there. The property of John Slidell was similarly confiscated. Federal officers imitated the general's example and made free with the property of the "rebels." In his greed for plunder, Butler overstepped his prudence. He seized $800 that had been deposited by the Citizens' Bank with the consul of Holland for payment to an Amsterdam firm. He collided with the British and French consuls also. Finally Secretary of State Seward sent Reverdy Johnson to investigate, and ordered Butler to give up the money which he had seized from the consul of Holland.

No interference, however, was offered to his seizures of private property or his attempts to chastise those who had been the governing classes. His ingenuity in these enterprises and the skill with which he added insult to injury can be appreciated only by reading his remarkable series of General Orders. One of his first measures in this direction was to secure a list of merchants who had subscribed to a loan of $1,250,000 to the Confederate government and levy upon each subscriber a "tax" of twenty-five per cent of the amount opposite his name, for the ostensible purpose of aiding the poor of the city. All arms belonging to private citizens were seized (Order No. 60), rewards offered for information, and any slave offering information of this nature against his master was declared free. On the strength of this order, houses were rifled and pillaged by the unscrupulous searchers whom Butler turned loose upon this hunt. Finally, by General Order No. 76, all persons, male

and female, over eighteen years of age were required to take such an oath of allegiance as was impossible to any honest or honorable supporter of the Southern cause, or else to register as an enemy and go out of the city, leaving behind all property to be seized and confiscated. Property thus confiscated was sold at auction and bought in by the harpies that swarmed in Butler's wake. Furthermore, all persons who held in trust any real or personal property of any citizen of the Confederate States were required to surrender that property (Order No. 82). Finally, by General Order No. 91, all the property of the "Lafourche District" that is to say, of the district occupied by Federal troops west of the Mississippi, except the parishes of Jefferson and Plaquemines, was ordered seized and confiscated.

General Butler's dealing with the slaves of the State is especially interesting. While at Fortress Monroe, he had originated the ingenious policy of retaining slaves who might come to the Federal camp, on the ground that they were "contraband of war," as any other property of the Confederates. This policy was extensively carried out in Louisiana. Slaves belonging to owners of declared allegiance to the United States were returned when they escaped to the Federal lines, but slaves of all other owners were practically emancipated. The plantations thus "deserted" furnished, later on, rich pasture for those whom the Freedmen's Bureau was created to provide for. It was Butler's policy to arm these fugitive negroes, form them into regiments, and use them against the Confederate forces that still occupied the greater portion of the State. These regiments were ostensibly composed of free men, but no inquiry was made into the actual status of those negroes who had thrown themselves upon the care of the Federal authorities. It was thought that the slaves would fight with more bitterness and ferocity against their former masters than could be expected of the white soldiers of the regular army.

The terrible purpose which animated the most bitter advocators of such a course is betrayed in the following statements of G. S. Denison to Secretary Chase: "An army of negroes could be made most formidable. They could be inspired with a religious enthusiasm as terrible and persistent as that of the followers of Mohammed." The full horror of this brutal proposition is evident without comment to any one who realizes that the negro as a mass was but little removed from utter savagery and who knows what forms the "religious" frenzy of savages assumes. When one realizes also that all the whites within the Federal jurisdiction had been forcibly deprived of arms and that the men of rural Louisiana had gone to the distant war, something of the animosity felt by the people against the emancipated negro and against those who sought to make him the murderer of the white race of the South may perhaps be understood.

General Shepley and the provisional military government established by General Butler exercised a complete control over the Departments, but were of course subject to the dictation of the commanding general. Had the government been of a strictly military nature, the ultimate outcome might have been better. Unfortunately the men concerned in the administration of affairs, even those appointed by the government at Washington for the direction of Federal matters, as in the custom house, for example, were chosen for ulterior political motives, and the qualities required of them were subservience to the administration whip and partisan zeal rather than ability or honesty. It is impossible and unnecessary here to enter into the details of the corruption set in operation during the time of Butler's control, although the methods then inaugurated had a disastrously important effect upon events subsequent to the war. One of the chief evils of the time, one of the chief abuses which cast discredit upon the whole national government, must be briefly mentioned. That General Butler was a soldier and a

politician simply for the purpose of personal dishonest gain is well known. The men whom he directly controlled were of the same stripe. The chief source of opposition against Butler finally came from the honest men of his own party and the honorable soldiers of his own army who had been unwillingly forced to further his schemes. An interesting light has been recently thrown upon his devious ways by the publication of a series of letters from George Denison to Secretary Chase.[1] Denison, himself neither better nor worse than the rest of the tribe, acted as collector of the port of New Orleans for a time, but was really the steady agent and informer of the Secretary of the Treasury. Cotton was plentiful and cheap in the State within the Confederate lines and provisions were comparatively cheap within the Federal lines, while cotton there or in Northern markets fetched a high price. This was a golden opportunity for the speculator, and there were many who entered the business with the connivance of the military authorities. Chief among these was "Colonel" Butler, a brother of the general. To a certain extent the Federal government had sanctioned the cotton trade with the Confederates, but General Butler took an advantage of this policy which was never intended by the government. It was soon understood in New Orleans that even "rebel" merchants might gain what they asked from Butler and his subordinates by paying for it. An extensive trade sprang up between New Orleans and the Confederacy, conducted chiefly in schooners on Lake Pontchartrain. The method was simple. A merchant would load a ship with provisions, ostensibly for Matamoras or Vera Cruz, pay a commission to General Butler or General Shepley, and get permission for his schooner to clear port. Then the goods were run across the Lake and sold to the Confederate army at Ponchatoula for an enormous profit, and cotton bought with the proceeds and sold, on the return

[1] Vol. ii of *Report of American Historical Association for* 1902.

to New Orleans at a further profit. Salt worth $1.25 a sack in New Orleans sold from $25 even to $100 in the Confederacy. Cotton purchased in the Confederacy for 10 cents a pound sold in New Orleans as high as 60 cents. "Colonel" Butler was supposed to have made two million dollars in his various lines of business, and others were not far behind him. The general aided his especial favorites with boats and military escorts, though, as Denison writes, "this service was unpopular with officers and men, who enlisted for the benefit of the country and not of speculators." The effect of this wholesale corruption and the discredit it cast upon the Federal government may be illustrated by an anecdote related by Denison. Dr. Avery, a surgeon of the Ninth Connecticut Volunteers, was captured near Ponchatoula by the Confederates and taken to Camp Moore. Salt, then a rare article in the Confederacy, was present in the camp in large quantities. The Confederate officer told Avery that it had been bought in New Orleans and was to be sent to the Confederate army at Richmond, and that he had paid a commission of five dollars a sack to the Federal authorities to get it out of the city. "The Yankees," he added, "will do anything for money."

General Butler's conduct in private life, and the personal insults which he habitually inflicted upon all those of the opposite party who were so unfortunate as to come into contact with him, were further sources of disgust and humiliation to the people. A man "who lived in a *bottle* and was fed from a *spoon*," as General Grant said of him, was scarcely the commander to win respect for the government which he was supposed to represent. Had he shown forbearance, honesty, or wisdom, and ruled with justice, though with all the necessary rigor of martial law, and had he displayed any personal bravery, decency, or a sense of honor, — any of those personal characteristics which inspire respect even for an enemy, — the reconstruction of Louisiana might have been a

comparatively simple matter, wrought without bitterness, bloodshed, and ruin. To the exasperation, the desperation caused by his intolerable conduct and the imitation of many of his followers must be attributed most of the distrust and bitterness felt by the people of Louisiana against the Federal military rule and the alien government which it established.

General Butler did nothing to accomplish the further conquest of the State. Admiral Farragut had captured Baton Rouge, and the place was held by the Federals in spite of the gallant attempt of the Confederates under General Breckenridge to recapture it; but the Confederate state government had been removed to Shreveport, and Governor Moore still controlled the greater portion of the State. Port Hudson was strongly fortified, and used to control the Mississippi as far as Vicksburg, and to keep open to the Confederacy the mouth of Red River. General Richard Taylor, an able son of Zachary Taylor, took command of the Confederate forces in the State, and raised a strong though small army at Opelousas with the assistance of Governor Moore and Ex-Governor Mouton. The discovery of salt mines upon Avery's Island, near New Iberia, provided an inexhaustible supply of this necessity. Expeditions sent out by Butler from New Orleans were defeated. In fact, they were, as Denison says, "commercial rather than military" in purpose. In August the Federals were beaten at Des Allemands. In October General Weitzel's advance along the Lafourche was checked by Armant's division of Taylor's force, and when Gen. Kirby Smith, commander of the whole Trans-Mississippi division of the Confederate forces, established his headquarters in Louisiana to direct that portion of the war, he found that General Taylor had been more than a match for General Butler, and that the Federals had made but little advance beyond the immediate neighborhood of New Orleans.

Meantime, in New Orleans, Butler had taken the first

steps to establish a Union civil government. Elections for congressmen were held, and B. F. Flanders and Michael Hahn were elected and received by the House of Representatives. This election had been supervised by General Butler, even to the careful extent of ordering distasteful candidates to withdraw from the contest. His own rule was about to terminate, however. The opposition to his corrupt methods had reached the North. Northern merchants established in New Orleans, military men, even a strong portion of the press at the North, condemned him. His unsavory notoriety had reached Europe, and had been denounced upon the floor of the House of Commons in England. Finally he was removed in disgrace, as he had been removed after failure in every position of trust which he had ever occupied, and Gen. N. P. Banks was appointed in his place.

General Banks was a soldier, though not a brilliant or active one, and while his rule did little to hasten the Federal conquest of the State, still his conduct and his direction of political affairs tended, on the whole, to promote harmony. He was unsatisfactory, however, to the Radical wing of the Republican party. He showed little eagerness in the forming of negro regiments, and the enthusiastic Denison complains to Chase that under his influence the New England soldiers under his command refused to salute negro officers, and that he allowed "rebels" to express their opinions freely on the streets, whereas Butler would have sent them to Ship Island. Furthermore, Banks refused to encourage the negroes to leave the plantations, and sought to induce those hanging about the army camps to return to the fields, and endeavored to regulate the labor troubles which the freedom of a portion of the slaves had already brought about after Lincoln's Emancipation Proclamation of January 1, 1863.

At the beginning of this year, so small a portion of the State was under the control of the Federal forces that little could be done towards forming a "Union"

government. It was the wish of the President that Louisiana should form such a government at as early a date as possible and resume its place among the United States. In his opinion, the State had never left the Union, and was consequently still a part of it, although it had been temporarily under the control of a rebellious secession party, and that no further reconstruction was needed than the reinstatement of a local government thoroughly loyal to the central government of the United States and opposed to that of the seceded States. There had been in the State, before and during the war, a considerable party of Northern sympathizers, not to be confused with the Southern men of conservative tendency who had opposed secession but had nevertheless cast their fortunes ultimately with the Confederacy, under the conviction that the South had been grievously wronged, and was not likely to get fair treatment from the controlling Republican party. Most of the class of men referred to had remained quiet during the war or had left the State. Those who had remained felt their opportunity for power when the Federal forces took New Orleans, and many who had been in exile returned, bringing with them from the Union States others who saw in Louisiana golden opportunities for political and commercial ambition. Added to these was a thoroughly contemptible class, such as is present in every community, — men without conviction or honesty, men who were zealous Confederates until the last of General Lovell's men had left New Orleans at Farragut's approach, and had then shouted with greater enthusiasm for the Union, and made haste to curry favor with Butler. Together these three classes made up the present Union party in New Orleans, the nucleus of a Republican political force, — men who had been Republicans before the war, men who had come from other States to take advantage of the opportunities that always follow the successes of an invading army, and lastly men whose loyalty was ever at the command of whatever

party held the power and the strings of the public purse. Admitting certain exceptions, of course, few of them had been of political or social importance before the war. The feelings of a majority of these men were bitter — justly so in a few cases. The aim of the majority was personal power and gain, regardless of method or consequence. This might be said with truth of any political party, for only a small minority in any community is guided by abstract principles of wisdom or of right and wrong; but the fact that the new Union party in Louisiana, grown up like a fungus from the decay of the popular government and the corruption of Butler's régime, found itself in possession of absolute power, protected by a huge army, and urged on by vindicative influences from the North, gave full scope and unrestrained opportunity to whatever was vicious in its composition. Like every other party, it was made by circumstances and colored by them. Unhappily the circumstances which created the party in question inevitably predestined it to corruption.

Union Associations had sprung up about New Orleans while Farragut's guns still threatened the defenseless city. T. J. Durant and others set on foot early in January, 1863, a movement to establish a civil government under a constitution loyal to the Federal government and prohibitive of slavery. This work was in the hands of a Free State General Committee, composed of delegates from the different Union Associations. With the approval of the military governor and the administration at Washington, this committee devised a system of registration which should fix the qualifications of voters, and recommended that an election be held for delegates to a state convention to be called in September, 1863. The successes of the Confederates, however, had prevented the Federals from extending their control far beyond New Orleans, and the project of establishing a "Union" government was therefore postponed.

Meanwhile General Banks sent a force of 20,000 men

against General Taylor's 3000 in the Têche valley.[1] Heavy fighting occurred at Bisland and Franklin in April, and Taylor was forced to retreat slowly northward. A brave but ineffectual stand was again made at Bayou Vermilion. Finally, in May, Admiral Porter with his gunboats captured Alexandria on Red River and General Taylor retreated to Natchitoches. He was preparing to attack Banks when he was ordered by Gen. Kirby Smith to send 4000 men from Louisiana under General Walker to aid Vicksburg, then besieged by General Grant. Taylor had counted upon this force to assist his own small army in the attack upon Banks. General Banks, however, himself left Alexandria and went to the attack of Port Hudson on the Mississippi. This place, under General Gardner, and Vicksburg, under General Pemberton, still held out against the huge forces which Grant was massing against them, and effectually blocked the Mississippi against the Federals. Vicksburg was now completely invested, but the Confederates still maintained their hold upon Port Hudson, though bombarded by Farragut's fleet. The capture of both these places was absolutely essential to the success of the Federal plans. General Banks, therefore, virtually abandoned his hard-won and still doubtful successes in the Trans-Mississippi Department, crossed to the eastern side of the river, and threw his forces against Port Hudson on May 27, 1863. His attack failed, and throughout the first two weeks of June the fort sustained the bombardment of the fleet and again repulsed an attack made by Banks on the 14th. On the 4th of July, however, Vicksburg fell after its heroic defense, and the full power of Grant's huge army might now be directed against Port Hudson. General Gardner surrendered the place on the 9th, leaving the whole Mississippi Valley in control of the Federal armies. These successes removed all chances of victory from the side of the Confederacy. The struggle hence-

[1] See Taylor's *Destruction and Reconstruction.*

forward was prolonged only by the desperate instinct of a fearless people not to yield till utterly crushed.

In Louisiana, General Taylor seized the opportunity offered by Banks's absence to recover much of the lost territory. On June 23 he defeated the Federal forces at Berwick Bay, captured 1700 men and enough guns, medicines, and supplies to furnish him during the remainder of his campaign. With wonderful courage and activity he penetrated to Donaldsonville and succeeded in closing the river against the Federal transports for three days. His scouts advanced to within ten miles of New Orleans and held the village of Kenner, but the news of the fall of Vicksburg and Port Hudson compelled him to abandon his bold plan of attack upon New Orleans and to retreat southwest. By his campaign, however, he had regained the Tèche, Lafourche, Opelousas, and Attakapas districts. Nevertheless, his situation was most dangerous. He was cut off from the rest of the Confederacy, and any number of troops might now be hurled against him by the enemy. He therefore retreated in July before the advance of Generals Weitzel, Grover, and Dwight and retired up the Tèche, removing the ammunition and the stores captured at Berwick Bay.

While Taylor had been successful, there could be no thought of holding a general election such as the Union party desired; but now the matter was again taken up. A judiciary had been established by Judge Peabody of New York, whom President Lincoln had appointed with almost unlimited powers. A Supreme Court with Peabody as Chief Justice, a criminal court, a probate court, and recorders' courts had all been set in operation during the spring of 1863. The Free State General Committee was eager for a constitutional convention to frame a document that might be radical enough for the government which they hoped to establish. Many of its members were for granting full suffrage to negroes, though slavery had not yet been legally abolished, for

Lincoln's Emancipation Proclamation had been a mere war-measure and had freed only the slaves belonging to Confederates. For instance, the proclamation had no effect in the parishes of St. Bernard, Plaquemines, Jefferson, St. Charles, St. John, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, all of which were considered under the Federal control. The military governor, Shepley, approved of the plan, but General Banks was not in favor of unqualified negro suffrage and saw no necessity for changing the old constitution of 1852, which he thought should be reëstablished with what few changes might be required. Banks saw that all the clamor for negro rights and negro suffrage came from the white politician, the mulatto freedman, or the Northern enthusiast, and that the negro himself took no part or interest in these matters. His manful attempts to deal with the mass of helpless negroes that swarmed about New Orleans and the Federal camps had convinced him that the negro slave was an indolent, thoughtless creature, without ambition or desire beyond the comfort or pleasure of the present moment; that he was for the time being incapable of taking care of himself, and would be the tool of his political master should the ballot be put in his hands. In fact, as the general said before a Boston audience about a year later, "the people of the North are much more disturbed and distressed at the condition of the negro than he is himself." It is possible that General Banks felt that the negro, if left to himself, would present few problems and perhaps none of any serious nature. As the weight of General Banks's opinion carried the strongest influence with it, a considerable number of the Union party and of the Free State Committee defected from its original intent, and in the midst of the dissension President Lincoln's proclamation of his reconstruction policy on December 8, 1863, caused a short lull in the agitation. The President's

plan was simple. In brief, he held that as the States could not legally secede, they had never left the Union, and that the mere establishment of local government loyal to the central government at Washington would entitle the State to its old place in the Union, after its temporary control by a rebel faction. Such a loyal government might be established by the vote of one tenth the number of votes cast by citizens of that State in the presidential election of 1860, and to assure the loyalty of the citizens voting, each voter should be required to take before the military authorities the following oath : —

"*I, —— ——, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the union of the States thereunder ; and that I will in like manner abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress or by decision of the Supreme Court ; and that I will in like manner abide by and faithfully support all proclamations of the President during the existing rebellion having reference to slaves, so long and so far as not modified by the Supreme Court.*" The only exceptions made to persons allowed to take this oath and vote among those previously entitled to the suffrage by previously existing state constitutions were the following : all civil and diplomatic officers of the Confederate government, all men who had been in the Confederate military service above the rank of colonel in the army and lieutenant in the navy, all persons who had left seats in the Congress or judicial offices or positions in the army or navy of the United States to take Confederate service, and all persons who had treated colored persons found in the United States service or white officers commanding such in any other manner than as prisoners of war when captured.

Thus the question of deciding the qualifications of voters was taken out of the hands of the local politicians, and the registration of voters and control of elections given to the military officials. A nominating convention was called early in January, 1864, by the Free State Committee, to be held in Lyceum Hall in the City Hall. It was understood that Michael Hahn was opposed to negro suffrage, and that he was to be the candidate for governor whom General Banks would favor and who would support the views of the general. The radical faction of the party favored the nomination of B. F. Flanders. The convention held a stormy and wrangling session. Finally, when it was seen that no agreement could be reached, the radical faction withdrew in a tumult of yells and the shaking of fists, and reassembled to nominate Flanders. The other faction remained in the hall and nominated Hahn for governor and J. Madison Wells for lieutenant-governor. By order of General Banks an election was held in that portion of the State within the Federal lines. With the exception of the required administration of the "iron-clad" oath and the fulfillment of the requisitions of Lincoln's proclamation of December 8, the election was governed by the provisions of the old state constitution of 1852. Hahn and Wells were elected by a considerable majority and declared by the President to be invested "with the full powers hitherto exercised by the military governor."

In the mean time, the portion of the State controlled by the Confederate government held an election and installed Gen. Henry W. Allen as governor of Louisiana at Shreveport on the 25th of January, 1864. General Allen had fought bravely through the war and won a record as a soldier before he assumed the hazardous office now intrusted to him. His services to the cause from this time till the end of the war have made him one of the most loved and admired of all the governors of

the State. Under the circumstances which hampered him, his chief duty was to alleviate as much as possible the terrible sufferings caused by the misery and devastation of the country. While General Taylor and his indefatigable officers and soldiers fought against the armies of the enemy, it was the governor's harder task to fight against starvation and want for the sake of the suffering people. With immense energy he sought to encourage them to plant cotton, to manufacture drugs, to use, as far as possible, the resources of the country. Unhappily the forces against him were too strong. General Sherman sent strong reinforcements to Banks, and early in April the Federal armies set out against Taylor, who met them at Mansfield, about forty miles from Shreveport. Here the Federals were defeated, after a bloody battle, with a loss of about two thousand men. Taylor suffered heavily, especially from such losses as those of the able officers Mouton, Armant, Beard, and Walker. A fight occurred on the following day between divisions of the two armies at Pleasant Hill, and Banks's army retreated toward Alexandria, where he and Porter's fleet in Red River were cut off from the Mississippi by Taylor for two weeks. The fleet was saved from destruction only by the skill of Colonel Bailey, and Banks was glad to draw his defeated forces off to New Orleans after the complete failure of his Red River campaign.

General Banks was more successful in his handling of civil matters, and his general orders dealing with the regulation of the negroes within Federal lines deserve notice. The parishes under his control were divided into police districts, and "invalid soldiers" were detailed for police duty. One school at least in each district was ordered to be established for the education of negro children. Plantation hands were not allowed to go from place to place except under such restrictions as the provost marshal of the parish should prescribe, in order to check the vagrancy of disorderly, idle negroes.

The provost marshal was to settle all disputes between negroes and their employers. Laborers were required to render to their employers, between daylight and dark, ten hours of honest work in summer and nine in winter. The marshal was to see that they received wholesome rations, medicines, medical attention, proper clothing and lodging, and that their children received proper instruction in the schools. Wages per month for first-class hands were to be eight dollars; for second-class hands, six dollars; for third-class, five dollars; and for fourth class, three dollars. Engineers and foremen were to get two dollars a month extra. Half a year's wages, at least, were ordered to be held back and paid only at the end of the contract year. Wages were to be docked in case of illness. Indolence, indifference, and disobedience were to be punished by docking wages. Crime was to be punished as in the army. Laborers might choose their employers, but when an agreement had been once made, the negroes became bound for the term of one year. In case of persistent indolence or refusal to obey orders, negroes were to be turned over to the provost marshal and forced to labor on the public works without pay. A bank was ordered to be established for the savings of the freedmen, and this grew into the most disgraceful of all the abuses wrought by the later Freedmen's Bureau. Cooks, washerwomen, coachmen, and all servants were required to make contracts with their employers.

These regulations were displeasing to those who had other ideas of the negro and his qualifications as a citizen. The party in power, however, being directly under the control of President Lincoln, were not eager to bestow upon the ex-slave the doubtful blessing of suffrage. Governor Hahn did indeed call an election for the choosing of delegates to a constitutional convention, but the election was under the control of General Banks, and it was a foregone conclusion that unqualified suffrage would

not be one of the provisions of the new instrument. The student of the times is now treated to the interesting spectacle of the former advocates of a constitutional convention opposing this one, on the ground that the delegates chosen did not represent half the State. Such was, indeed, the case. The convention was called, however, and drafted a constitution in April, 1864, which was submitted to those voters registered within the narrow limits of the Federal lines under the "iron-clad" oath, and by them ratified and declared the fundamental law of the State. President Lincoln had written to Governor Hahn intimating that the admission of a certain number of negroes to the suffrage on an educational or property-holding qualification might act as a sop to the more eager abolitionists and still their clamor for more radical suffrage laws. The constitution, however, limited the voting right to white males of twenty-one years or over (Article 14), though it declared slavery abolished in the State. Some concession to the future was made, nevertheless, in Article 15, which reads: "The legislature shall have power to pass laws extending suffrage to such other persons, citizens of the United States, as by military service, by taxation to support the government, or by intellectual fitness, may be deemed entitled thereto." If President Lincoln's supposition had been correct, such a provision as the above ought to have assured even the most radical congressman that the provisional government established by the President did not intend to discriminate unjustly against the negro. This was not the case. In Louisiana itself the strong partisans of negro suffrage, chief among whom was Durant, a former slaveholder, carried on in miniature against the provisional government an opposition exactly similar to that which Congress offered to the President, and in each case the motive was the same — not the interest of the passive negro, but the perpetuation of the power of a faction which felt itself in a minority and knew that it

could retain its influence only by unscrupulous and arbitrary methods. For Congress had now suddenly realized that the reconstruction of the Southern States should be a legislative problem. Benjamin Wade in the Senate and Henry Winter Davis in the House succeeded in having a bill passed on July 4, 1864, in direct contradiction to the views of the President on certain points. This bill was passed at the close of the session and failed because not signed by the President, but it expressed forcibly the new temper of Congress and laid down the lines which its opposition to him would follow. It demanded that a full majority of the "loyal" voters of a seceded State would be required to adopt a constitution and establish local government instead of Lincoln's provision that one tenth of the voters of 1860 would be sufficient for this purpose. It implied the theory that the seceded States had lost their position in the Union and were to be treated as unorganized territories. Men like Sumner and Thaddeus Stevens went farther and were bent upon treating these States as conquered lands without national rights. All males of legal age should be enrolled and should take the oath of allegiance. *Any one* who had served the Confederacy in any way should be excluded from suffrage. Clauses must be inserted in all the new state constitutions abolishing slavery outright and permanently and repudiating the Confederate debt. Furthermore, representatives elected to the national Congress would be admitted to their seats in that body only after all these conditions should have been fulfilled.

Lincoln evidently took this bill as an act of defiance, for on the 8th of July, 1864, he issued a proclamation in which he protested against any attempt to set aside the governments established in Arkansas and Louisiana, doubted that Congress could abolish slavery in the seceded States, expressed a wish that this might be done by a general constitutional amendment that might apply to the whole country, and declared his unwillingness to

interfere with the "loyal" people of any State in organizing their government in any way they might choose. Thus the matter was practically left as an issue between the President and a dissenting Congress, to be decided by the people at the coming election.

Meanwhile the system inaugurated by the President continued in operation. Members of the state legislature and representatives to Congress were elected in September, 1864. General Banks was compelled to embark into further labor legislation to help the helpless free negroes. Many of the seized plantations had been operated by strangers, but these had not been as successful in managing the negroes as the old slaveholders had been. Complaints from the negroes became frequent, the crops of 1864 were poor, and altogether Banks's Board of Education for Freemen and the Bureau of Free Labor had little cheering news to report and little of the expected revenue to collect. All in all, the freedman found himself in a pitiable plight, without masters who could understand his wants and protect him and at the same time without the power to shift for himself.

On the 3d of October the new legislature assembled in New Orleans, with J. Madison Wells as President of the Senate and Simeon Belden as Speaker of the House. This body should have been radical enough to please even the newest and most enthusiastic "Union" man. The spirit of this body, or at least a portion of it, may be illustrated by the motion introduced into the Senate ordering the attorney-general and the district attorneys to institute charges of perjury and treason against ex-Governor Moore and all the officers of the state government at the time of secession, against John Slidell, Judah P. Benjamin, the legislature of 1860, the judges of all courts, and against all state, city, and parish officers who had not "renounced their treasonable acts and returned to their loyalty."

CHAPTER XIV

CONGRESSIONAL RECONSTRUCTION AND MILITARY RULE

LINCOLN was reëlected in the contest of November, 1864, but it was not clear whether the will of the people was with the reconstruction policy of Congress or with that of the President. One thing, however, was evident, the sentiment of the people of the North was not in favor of the radical Republicans; for the candidates of that faction, Frémont and Cochrane, had been forced to abandon the contest before the election and fuse with the Lincoln party. The Northern Democratic party, moreover, had nominated General McClellan, upon a platform which demanded cessation of war and a compromise with the Confederate government to bring about reunion, and had polled 1,835,985 votes to the 2,330,552 cast for Lincoln.

When Congress assembled, however, it refused to admit the representatives elected from Louisiana under the President's method of reconstruction and refused to count the electoral vote cast in November in that State. On the 31st of January, 1865, the proposed Thirteenth Amendment was finally passed. This amendment was designed to make the abolition of slavery absolute and binding upon the whole country. It was signed by the President on the 1st of February, and immediately sent for ratification to all the States that could be reached. During the summer and fall of 1865, the Thirteenth Amendment was ratified by all the States except Mississippi, provisional governments having been established,

after the surrender, in all the Confederate States by the presidential plan during the interval when Congress was not in session.

Though General Lee had surrendered at Appomattox on the 9th of April, 1865, many Confederates, especially those west of the Mississippi where the armies had successfully resisted the Federals, as in Louisiana, believed that the war might be prolonged, perhaps, by retiring into Texas and obtaining the aid of France through Napoleon III, who then had designs upon Mexico. This opinion was held only by a minority, for it was now self-evident that the Confederacy had been hopelessly overwhelmed and exhausted, while the North yet had unweakened resources of men and money to draw upon. Nevertheless, Gen. Kirby Smith, commanding the Trans-Mississippi Department, felt that he could not surrender without an order from President Davis, since he had not been defeated by the enemy, but had, on the contrary, checked his advance and repelled his attacks. Governor Allen, however, saw the folly of persisting in the hopeless war, and General Smith was induced to write the Federal commissioners who demanded his surrender to remain in Shreveport till a meeting of the Confederate governors of Louisiana, Texas, Arkansas, and Missouri might be held at Marshall, Texas, to decide what action should be taken. This meeting was held, and General Smith was advised to surrender. Generals Price and Buckner were accordingly sent to New Orleans, and there formally surrendered on May 26, 1865, in the name of all the Confederate forces of the Trans-Mississippi Department.

The war was now completely at an end, and the people of the State were called upon to face the question of readjustment. In his farewell address on the 2d of June, Governor Allen gave expression to the feeling which now animated all Southern men who had fought bravely for the cause in which they had believed, but

who now accepted defeat as a final decision. As no other statement could better express the spirit with which the people of the State accepted the results of the war and which guided the subsequent action of Southern men than this address, the concluding words are quoted: —

"Now let us show the world that, as we have fought like men, like men we can make peace. Let there be no acts of violence, no heart-burnings, no intemperate language, but with manly dignity submit to the inevitable course of events. Neither let there be any repinings after lost property; let there be no crimination, no recrimination, no murmurs. . . . You who, like myself, have lost all (and oh, how many there are!) must begin life anew. Let us not talk of despair, nor whine about our misfortunes, but with strong arms and stout hearts adapt ourselves to the circumstances which surround us.

"It now rests with the United States authorities to make you once more a contented, a prosperous, and a happy people. They can within five years restore Louisiana to its original wealth and prosperity, and heal the terrible wounds that have been inflicted upon her, so great are our recuperative energies, so rich is our soil, so great are the resources of our State! . . . If my voice could be heard and heeded at Washington, I should say: 'Spare this distracted land, oh, spare this afflicted people, they have suffered enough!' But, my countrymen, this cannot be. I am one of the proscribed — I must go into exile. . . . Refugees, return to your homes! Repair, improve, and plant. We want no Venice here, where the denizens of an unhappy State shall ever meditate with moody brow, and plot the overthrow of the government, and where all shall be dark and dreary, cold and suspicious. But rather let confidence be restored. If required, let each and every one go forward cheerfully and take the oath of allegiance to the country in which they expect in future to live, and there pursue their

respective avocations with redoubled energy as good, true, and substantial citizens."

Governor Allen was one of those whose position excepted him from the general amnesty. It was his fate, and that of many another, to go into exile. He died in poverty the following year in the city of Mexico. Most of the Confederate soldiers, however, returned to their homes or to the desolation that had once been home. Uncertain as to what fate would be dealt out to them, they faced the future amid absolute ruin. The Confederate currency had collapsed, the Confederate debt had been repudiated, the heavy debt and pension taxes of the United States had to be assumed. Canals, railways, public works had gone to decay. Many a man had lost all his wealth in losing his slaves. Many a one had lost his property through confiscation, or found his house in ruins, his fields grown with weeds, and labor so disorganized that he could get no help to plant a crop nor a horse nor a mule to drag his plow. Many idle negroes hung about the Federal camps or the offices of the new Freedmen's Bureau that had been organized in March, 1865, and had already begun to further demoralize the negro by misdirected charity and venomous insinuation against his old masters.

This Bureau, the chief source of disagreement between the negro and the white man and the chief cause of the negro's false elation and subsequent suffering, was a commission consisting of one chief and nine assistants. Its duties, as defined in the act which created it, were merely "the supervision and management of all abandoned lands and the control of all subjects relating to refugees and freedmen." Through them the Secretary of War issued rations, clothing, and fuel to the helpless, unemployed negroes, and all "abandoned" lands were put into their hands to lease or sell for nominal payments to the ex-slaves in tracts of forty acres each. The Bureau, with Gen. Oliver O. Howard at the head, was probably cre-

ated with good intent, from an honest though misdirected desire to help the freedman rather than through intent to humiliate and ruin the Southern planter, though there were many people at the North who clamored to have the lands of the "rebels" all confiscated and given to the negroes. Unfortunately, unscrupulous men were appointed as agents of the Bureau, and the dazed brains of the freedmen were filled with dreams of confiscation and plunder out of which would grow a life of ease with perpetual free rations and "forty acres and a mule" for each negro. Probably no one who has not lived among the negroes or seen enough of their life on the plantations to know how simple, credulous, improvident, and helpless they are, can fully appreciate the pathos, the real tragedy of their situation in those first days of unsought "freedom." For the time being the Bureau was without the large funds and terrible power later conferred upon it by a vindictive Congress, and the worst harm yet done was to turn the negro into a pauper and hold him in a position which allowed him no place whatsoever in the civilization upon which emancipation had thrown him to shift for himself.

The real negro cared nothing for political power and knew not even the name. Beyond the satisfaction of his daily wants and a desire to be free from responsibility, he had as yet no strong desires. The returning Confederate sought to hire him to do as a paid laborer the same work he had done as a slave. Many began to return to work on these terms, and the whole question would have easily settled itself. There really was never a "negro problem." The issue was raised by the white politician and the mulatto malcontents. The clamor which certain well-meaning philanthropists, educators, and believers that the eighteenth century doctrine of the perfectibility of man could be applied to the inferior African, did much harm in filling his head with notions which he could not understand, but which his ethnically low nature naturally

vitiated into dreams of indolence and license. The only idea he could form of freedom and development from the exhortations he got from the Northern enthusiast on human rights and social equality was a life of license and indulgence without work and without responsibility. So persistently have the "rights" of the negro been maintained before the public, that it is impossible even to-day to enforce the truth that the negro has never yet raised his voice for those rights and privileges or apparently desired them very clearly, and that all the clamor has been raised by white men who were animated by motives of very practical politics or of very theoretical philanthropy, or else by the mulatto upon whose side there is indeed much to be said and who represents the real, the only race problem. When the ordinary plantation negro found that freedom did not mean that the government would support him without work and that he had been deceived by his imagination or by the lies of unscrupulous agents, he began to return to the plantations which he had deserted for the new delights of the Federal camp or the loitering crowd about the office of the Freedmen's Bureau. Many a one crept back to the old master when he felt the pinch of hunger and the coldness of that struggling world of white men from which slavery had debarred and yet shielded him. Many a one came back like a prodigal with sincere repentance to be supported and cared for. The agent of the Free Labor Bureau in Louisiana acknowledged in perplexity that newcomers could not manage the negro, and that for some reason he turned instinctively to his old master and worked for him as he would work for no one else. To the Southern man the reason is so simple that it need scarcely be explained — as simple as the fact that between the Southern white man, unhampered, and the pure negro, uninfluenced, there is no negro problem. The North had seen in slavery only an unjust use of brute power. It had not realized the strange ties of common

interest between master and slave, nor the wrench which emancipation in many cases caused to both. As a slave, the negro had been docile and obedient; as a freedman, he was still so. He was docile and obedient even later when he howled in political processions and plunged into riot to his own destruction; but he was obedient then to the facile tongue of the white demagogue or to the bitter incitement of his unhappy half brother, the mulatto.

With such a soil as that of the South and with the negro again at work upon the plantations, prosperity would have returned — did indeed begin to return; but new factors were now to enter to complicate this question and create the problem which unhappily remains unsettled to-day. Those were anxious days for the Southern white man. The war was ended, and military rigors had momentarily slackened in the brief temporary reaction that followed those just ended years of gigantic battle. The political schemer was momentarily checked by the return of those hardened veterans tried through four years of blood and privation and united to one another yet more firmly by the determination that came with defeat. Congress had not yet overridden the restraint of the President and laid the South prostrate before the spoiler. Yet the source of a scarcely named danger had already been indicated. For instance, when the constitution of 1864 had been adopted, and it was announced that one of its articles declared slavery forever abolished in the State, the negro churches and societies held a mass meeting in Congo Square in New Orleans, on the very spot where the *voodoo* dances had formerly taken place. The whole proceeding was more orderly than might have been expected, yet it was a strange and sinister spectacle to citizens of the old town. Three regiments of colored troops led the procession to the square. These were followed by negroes and mulattoes in carriages with white members of the Free State Committee, the Louisiana "Native" Guards and volunteers, Federal troops,

Colonel Hanks and the Friends of Freedom, and children of the Pioneer School with banners and such ominous legends, written by the white school-ma'am, as: "This is the Age of Progress; we are for a New Civilization," "Nature is our Mother; we are taking our Place." "Old Things must pass away," "We are still marching on." In the square a great crowd of wondering negroes assembled about the platform of the speakers. On the platform were General Banks, Governor Hahn, Mayor Hoyt, some white school-teachers, some of the mulattoes and the preachers of the negro churches. It was noticeable that the color of the leaders was light, but the dark, uncomprehending mass below the platform was susceptible, as only the negro can be, to emotional oratory. Watch that assembly with the eyes of a citizen of New Orleans of that day and you will gather, under the still cautious pretense of restraint, many hints of what the future might bring forth if those same white men and white-tinged colored men on the platform should feel it safe to speak outright what they now merely hint. Listen to one of the speakers. He is touching the most sensitive spot of all: "Although we are true lovers of our country and its flag, we can but show our objections to any intermarriages between the two races. As I could not permit any white man to marry my daughter, so I would ask the white man to take the same position as myself. . . . Let us wait for two hundred years yet, which will give ample time for the agitation of such a question as that to which I am still opposed. But there will be great changes in the policy of nations before that period, we know not what the future will bring forth; yet I must oppose such intermarriages from the due respect I owe to the colored ladies." Another speaker, delivering himself in French, attempts under the guise of forgiveness to insinuate revenge: "Let them tremble above all, those cruel masters! Let them feel sorry for the unheard-of torments they inflicted on you! But in

the name of God! in the name of the 11th of May, 1864!! you ought to pardon — you should forget all and everything! Let that solemn day awaken every sentiment of pity, and be you all inspired with one desire, of a general absolution and forgiveness of those who called themselves your masters — your superiors as creatures! Pity, a thousand times more pity! Like so many old tigers they groan in their dens — their claws are pared forever! . . . Do not fear, your chains are broken! Fortify the ardor of the Northern philanthropists. Some of them are dodging as yet. They are occasionally captivated by the lying writings of the slave party. Few of them have attained to that pure, rational radicalism which is the gift of Frémont, Greeley, Sumner, Phillips, Butler, Hanks, Conway, and those of the creed of Thomas J. Durant." [1]

Such were the conditions which the "old tigers" were called upon to face when they returned to Louisiana from the war. Their return caused a temporary amelioration in the public condition. Many negroes returned to work, many plantations were again put under cultivation, business was resumed, and the old voting population prepared to qualify again for the polls. Andrew Johnson, who had succeeded to the presidency after the murder of President Lincoln, had assumed the same liberal policy of reconstruction which Lincoln had apparently intended to inaugurate. Johnson's proclamation of amnesty and pardon on May 29, 1865, admitted many ex-Confederates to the suffrage. Even those who had held high office in the Confederacy might, in certain cases, regain their citizenship by special application to the President. There was humiliation in all of this — more humiliation in the details than can be even indicated in this condensed review; but the people were ready to accept it as a part of defeat, and there was enough work to do in keeping the wolf from

[1] These quotations are taken from the corrected version of the speeches published by the editor of the Republican *Era*.

the door to occupy the present and still enough hope living in the general wreck to point to a better future. General Grant, who had been sent by the President on a tour of inspection through the South, reported: "My observations lead me to the conclusion that the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing they want and require protection from the government; that they are in earnest in wishing to do what they think is required by the government, not humiliating to them as citizens, and that if such course was (*sic*) pointed out, they would pursue it in good faith."

This was certainly the case in Louisiana — the people at once set to work to establish a local government that should represent the whole State and should yet conform to the conditions necessary to the readmission of the State into the Union as indicated by the President and Congress. Governor Hahn, having been elected to the Senate of the United States, resigned his office and was succeeded by the lieutenant-governor, J. Madison Wells, whose authority was recognized by President Johnson. At the election for state officers held in November, 1865, he was elected governor. The old citizens of the State succeeded in securing the office of lieutenant-governor by electing Albert Voorhies. As was natural in a community where the Democratic party was in a majority, a Democratic majority was elected to the legislature. This body met in special session on the 23d of November to discuss the validity of the constitution which had been fabricated in New Orleans in 1864, declared it to be of no legal value, and recommended that it be submitted to the people. As Hahn and Cutler, the senators elected by the last legislature, had been refused admission by the Senate of the United States, the present body elected Randall Hunt and Henry Boyce in their places. Louisiana was now in a condition to be admitted to representation in Congress and her old place in the Union, for the government

had been reconstructed so as to nullify former secession acts and to abolish slavery. All this had been accomplished under the policy inaugurated by President Lincoln and continued by President Johnson, and the conditions which the last Congress had stipulated had now been complied with during the interval when that body was not in session. Provisional governments substantially similar to that of Louisiana had also been established in all the seceded States, with certain exceptions to be made in the cases of Mississippi and Texas.

Such was the condition of affairs when the 39th Congress assembled in December, 1865. In the Senate were men like Thaddeus Stevens and Sumner and in the House men like G. S. Boutwell, who represented extreme radicalism and were eager in their desire that full suffrage be granted to the negro and that the Southern white men should be denied the same privilege until there was no longer any danger that they might resume control of their own governments. Men of this type were willing that discord and even disunion should continue, provided that the principles which they held should be maintained in operation, by armed force if necessary. At the opening of the session, however, the radical element seemed to be in a minority, and the President's message was received, apparently, with the approval of the majority. But on the 19th of December, the President, in a special message, reported to Congress the favorable condition of political affairs in the Southern States and transmitted the generous report of General Grant which has already been quoted. This message and this report were the signal of release for all the forces of violence, vindictiveness, and fanaticism. It is true that the reconstruction of the seceded States was a legislative rather than an executive problem, and as such was a matter for Congress, not the President, to decide ultimately. On the other hand, the exigencies of war and consequent disorder had compelled Lincoln to outline and institute a provisional plan, and had similarly com-

pelled Johnson to pursue it. The results obtained had, on the whole, been favorable, but were not so partial to the late "rebels" as justly to give offense to any of the victorious party save those who wished to push their triumph to the point of revenge and humiliation. Unfortunately the President did not command the influence of Lincoln and had given offense to Congress, so that many members were ready to oppose him even at the expense of a passive third party. The President's policy of reconstruction was the most important measure before the people. It had been natural that the initiation of a working plan should have fallen to the duty of the Executive, but the final decision really rested with Congress. By presenting this view the more radical members easily whipped Congress into a united opposition to the President and consequently to the policy of reconstruction he had held and which was actually in operation. Upon the presentation of the special message and General Grant's report, Sumner denounced the whole as an attempt to "whitewash" the South. In a bitter speech he recited special instances in which outrages had been committed against the negro and quoted from letters which he had received from the South, withholding the names of his correspondents, on the grounds that their lives would be endangered if their identity should become known. The basis of his attack was the legislation by which some of the Southern States had attempted to solve the question of labor and to restrict the pauperism, vagabondage, idleness, and lawlessness among the negroes who had been misled by that *fata morgana* of the Freedmen's Bureau. An examination of such laws as had been passed in the light of the great danger which threatened from that mass of idle, ignorant negroes, excited by unprincipled schemers and blinded fanatics, will reveal their absolute necessity and, to most minds, will vindicate their justice. To Congress, however, they were merely an excuse, and the testimony was never fairly or fully examined. Only one

side was heard. In proof of this fact, it can only be stated here that, in the case of Louisiana, the state legislature had not yet held a regular session and had therefore not promulgated any legislation on this point, and that the only laws in force governing the question of free negro labor and negro vagabondage were those which had been inaugurated by General Banks himself. They have been briefly outlined in the present narrative.

The debate following Sumner's speech was hot and bitter. The radical party — Sumner, Stevens, Henry Wilson, Boutwell — had been, before and after the war, willing to break up the Union or to prevent reunion rather than fail to establish what they believed upon an abstract question of human rights, first the emancipation of the negro and now his compulsory admission to full suffrage and social equality with the white race. Many of these men who considered the question as an abstractly ethical theory were sincere in their convictions, though, in their ignorance of the actual nature of the pure negro and his real needs, they ignored the practical results of the application of their theories. Allied to them, however, as in the case of the agitation before the war, were politicians who cared nothing for the negro or his supposed or real rights, but who saw an opportunity for the perpetuation of the power of their political party. In the debate this point was boldly touched by Stewart, the Republican senator from Nevada, who said: "Are we willing to prolong the restoration of the Union and risk the experiment of taxation without representation for fear that application of the rule that the voice of the majority is law shall drive us from power?" The answer of Congress to this question was a most vigorous affirmative and a most systematic suppression of the will of the majority in its dealing with the Southern States. A joint committee of fifteen members, from both Houses, only three of whom were Democrats, was appointed to consider and report on the question of reconstruction,

and while they were in deliberation, Shellabarger, Fessenden, Sumner, and Stevens promulgated on the floor the same form of doctrine for which the committee subsequently declared. Much was made of information furnished by agents of the Freedmen's Bureau, and the credit of belief which had been denied to General Grant's report in regard to the good faith of the Southern people was given to the directly contradictory report presented, in a more able way, however, by Carl Schurz. In February, 1866, a bill was passed giving extraordinary powers to the pernicious Freedmen's Bureau. It is needless to discuss here the provisions of this bill, for it was vetoed by the President and failed to pass over his veto. In March the Civil Rights Bill was vetoed, but passed over the veto on the 6th and 9th of April. This bill was the forerunner of the Fourteenth Amendment. Excepting Indians not taxed, the bill declared "all persons born in the United States and not subject to any foreign power . . . to be citizens of the United States" and granted "such citizens of every race and color, without regard to any previous condition of slavery or involuntary servitude," to have the same civil rights as white persons. No specific mention was made of suffrage, however.

Meanwhile the Louisiana legislature had assembled in January, 1866. There were many excellent men in this body whose names are known and honored, such as C. E. Fenner, B. F. Jonas, James Eustis, James McConnell, and P. S. Wiltz. The legislature ordered a municipal election to be held in New Orleans. Since Butler had deposed Mayor Monroe, the city had been governed by mayors appointed by the military commander. Hugh Kennedy, appointed by General Canby, was then mayor. In the election held in March, Monroe was chosen and allowed by General Canby to take his seat when he had secured his "pardon" from the Federal government. A motion to order an election for

delegates to a new constitutional convention was tabled in the legislature because of telegrams from President Johnson stating that any move to call a convention at that time would embarrass his plans for reconstruction. There were two parties in Louisiana in favor of adopting a new constitution, — first, those who considered the instrument of 1864 illegal, and, second, those who did not consider it radical enough without a clause granting full suffrage to the negro. This latter party was naturally in a minority, and was composed almost wholly of aliens who had followed the Federal occupation of the State and who were eager to control it by means of the ignorant negro masses and by a suppression of the white Democratic majority. The legislature, however, as has been said, had adjourned in March, 1866, without ordering an election for delegates to a convention. These facts must be borne in mind in view of the important events about to take place.

The Democrats in Congress and Southern representatives seeking to be seated in Congress had denied the constitutionality of the Civil Rights Bill; therefore it became necessary for Congress to have constitutional authority for its measures while they yet possessed the power of a majority in the Houses. It was seen that the emancipation of slaves would increase the Southern representation by two fifths in Congress and in the electoral college. This was a power which could not be allowed to go into their hands. It was feared that a union of Southern with Northern Democrats might overthrow the present Republican majority. In the exaggerated apprehension then felt or pretended, it was hinted that, if the Democrats should obtain control of the government, not only might the Civil Rights Bill and all the acts designed for the benefit of the freedman be repealed, but the Confederate debt and Confederate pensions might be fastened upon the country and the Union debt repudiated. Therefore, while Republicans held a majority in

Congress, it behooved them to cripple betimes the growing power of the rival party by any means made available by power and the advantage they possessed. The provisions for curtailing Southern representation and for increasing the Republican voting-power in the South by granting suffrage to the mass of negroes were proposed and slowly worked into the shape which they assumed in the Fourteenth Amendment to the Constitution.

This amendment was intended to accomplish several purposes. It made all persons born or naturalized in the United States and not subject to any foreign power citizens of the United States as well as of the particular State in which they happened to reside. This provision made all negroes citizens and also did away with the former doctrine that the citizen owed a primary allegiance to his State and a secondary or delegated allegiance to the central government. The second section of the amendment provided that representation should be apportioned according to the total number of persons except Indians not taxed, but in case the right of any male citizen of a State to vote in any election should be in any way abridged, "except for participation in rebellion or other crime," it was provided that "the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall be to the whole number of male citizens twenty-one years of age in such State." This section made it possible for a Republican state government to curtail the white voting power upon the charge of participation in rebellion and also offered an inducement to grant suffrage to the negro so as to make the voting population as large as possible and prevent a reduction in the number of the State's representatives in the general government. Section third of the proposed amendment was designed to exclude from all state and federal offices all persons who, having served previous to the war in any official capacity, whether under state or federal government, had subsequently engaged in insurrection or rebel-

lion against the United States or "given aid or comfort to the enemies thereof." The removal of this disability was made, by the same section, contingent upon a vote of two thirds of each House of Congress. The fourth section was designed to prevent the repudiation of the debt incurred by the United States during the late war or the annulling of the numerous bounties and pensions. It also provided that no Confederate debts should be assumed or any payment be made in restitution for emancipated slaves.

This proposed amendment was passed by Congress in June, 1866, with the necessary two thirds majority, and it was not even submitted to the President, as it was considered that his disapproval would be of no avail against such a majority. This gave the President no chance to support his veto by such reasoning that might perhaps have caused a sufficient change of opinion to change the vote if the measure had come up for reconsideration, as had been the case with the Freedmen's Bureau Bill of January, 1866. Moreover, this action of Congress was in direct violation of the Constitution. From this time till the dissolution of this particular Congress, the whole body was carried away by violent feeling, and none of its subsequent acts or the methods adopted for enforcement can stand a legal or constitutional test. The President, as representing the established Constitution, was completely ignored.

Along with the article of amendment, the Reconstruction Committee had reported a bill which would have made the ratification of the Fourteenth Amendment by the Southern States the condition upon which their representatives would be admitted to Congress. The absurd inconsistency of such an attitude is manifest upon the most superficial examination. The only consistent theory on this point was held by Stevens, who maintained that the seceded States should not be considered as in the Union, and that the ratification of the amendment by three

fourths of the "loyal" States would be sufficient to make it part of the Constitution, and that the seceded States could be thereafter admitted under it as Territories are admitted. This view might be unjust, but it had at least the virtue of logical consistency and did away with the absurdity of requiring the Southern governments to act as States of the Union in ratifying the proposed Amendment and yet denying them the rights of States until they should have ratified it. For the present this bill proposed by the Reconstruction Committee was not passed as a law and was not sent to the States when Secretary Seward forwarded the Fourteeenth Amendment to each for ratification. Nevertheless, it was distinctly understood that Congress would not admit the representatives of any state government that had not ratified the Amendment; for in the case of Tennessee, a month later, Congress passed a resolution to the effect that, *whereas* that State had complied with all imposed conditions *and ratified* the *Fourteenth Amendment, therefore* the State was declared restored to its practical relations with the Union, and "again entitled to be represented by senators and representatives in Congress." A subsequent bill of Congress formally enforced this extraordinary condition upon all the Southern States.

Congress then passed and repassed over the President's veto, on July 16, 1866, a new Freedmen's Bureau Act. The powers of the single commissioner, General Howard, and the increased number of his assistants were extraordinarily enlarged. The Bureau was authorized to sell confiscated and abandoned lands to the freedmen for nominal prices, to sell Confederate public property for the support of negro schools, to make, execute, and interpret laws, to define and punish crime, to levy and collect taxes for the support and education of freedmen, to use military force in carrying out its dictates, and to interfere with the civil courts in cases which concerned freedmen. Thus, especially in instances where the military commanders

were at the same time assistant commissioners, a large part of the government of the South was put into the hands of the Bureau. This Bureau was under the supervision of Secretary of War Stanton, and he, being a personal enemy of the President, refused to keep him informed of what was being done, and completely disregarded his authority until he caused the breach which led to his dismissal from office, the undignified squabbles thereupon, and the consequent impeachment and trial of the President by Congress. The imposition of the Freedmen's Bureau was the source of more irritation and disaster to the South, and of misfortune to the negro himself, than any reconstruction measure. Moreover, the endless scandals, frauds, and waste of public money which grew out of its operations sufficiently condemn it from a Northern point of view. Professor Burgess, a student who cannot be accused of undue partiality to the seceded States, has this to say of the Freedmen's Bureau:[1] "While its superior officers were generally men of ability and character, a large number of the subalterns were canting hypocrites and outright thieves. They kept the negroes in a state of idleness, beggary, and unrest, and made them a constant danger to the life and property of the whites; and their veritable tyranny over the white population did more to destroy Union sentiment among the whites and make them regard the United States government in a hostile light than anything which had happened during the whole course of the rebellion. It was an institution which ought to have been dispensed with the instant the necessity which called it into existence passed away. . . . It took all the party discipline of the Republicans to prevent sufficient disaffection in their ranks to sustain the President's veto. On the merits of the question alone they could not have done it. They were in error, and many of them knew it, but they were now in to fight the President and they must stand together."

[1] *Reconstruction and the Constitution*, p. 89.

The determination of the more radical Republicans to force negro suffrage upon the conquered States was productive from the outset of the most terrible effects. In Louisiana the issue was brought to an early crisis. It will be remembered that the Radicals there were eager to frame a new constitution which would fulfill the conditions imposed by Congress and assure their own control of the power by means of the negro vote, which they knew they could control. The legislature had adjourned without ordering an election for delegates to a convention. The convention of 1864 had framed a constitution which had been adopted by the semblance of an election and had since been in practical operation. According to all precedent their work was done and they had no further existence. A portion of that body, however, had been disappointed in not being able, owing to the influence of Banks and Hahn, to make the constitution more radical. They had not been able to accomplish their wishes, but before they adjourned they had passed the following extraordinary resolution: "That when this convention adjourns, it shall be at the call of the president, whose duty it shall be to reconvoke the convention for any cause, or, in case the constitution should not be ratified, for the purpose of taking such measures as may be necessary for the formation of a civil government in Louisiana. He shall also, in that case, call upon the proper officers of the State to cause elections to be held to fill the vacancies that may exist in the convention, in the parishes where the same may be practicable." This perpetuation of itself was now outdone by certain of its members. These persons requested the former president, Judge Durell, to reconvoke the convention. He refused, and these same persons thereupon held a meeting on June 26 in New Orleans, and elected Judge R. K. Howell, of the Supreme Court, chairman *pro tempore*. Howell had been a member of the convention of 1864, but had resigned

before its adjournment. He could, therefore, in no sense be considered a member, yet he nevertheless issued a call to the former convention to assemble on the 30th of July, 1866, and requested Governor Wells to call an immediate election to fill vacancies. Governor Wells was a man of little force and had never been strongly on the side of the people of the State. He sided with the conventionists in spite of the fact that their methods and language were revolutionary, and ordered an election to be held to fill the vacancies, yet he betrayed some hesitation by naming so distant a time as September 3d as the date of the election. This did not suit the Radicals. They held a meeting in the Mechanics' Institute on the evening of the 27th of July, with the disgruntled Michael Hahn as chairman. He made a violent speech, and equally violent sentiments were expressed in addresses made from a platform outside the place of meeting to a crowd in the street, most of whom were excited negroes. Dr. A. P. Dostie declared to an audience of negroes that President Johnson was a traitor and that the streets of New Orleans would run with blood if the "convention" to be held on the 30th were interfered with. For the several intervening days the negroes of the city were excited to a dangerous pitch by incendiary speeches, the conventionists showed every intention of not waiting for any election to fill vacancies, but to adopt a constitution by the body that was to assemble on the 30th, grant full suffrage to all negroes, disfranchise all whites but those of their own party, and capture the government of the State.

Governor Wells made no attempt to check their illegal action. The people, therefore, looked for support to Lieutenant-Governor Voorhies and Mayor Monroe. The lieutenant-governor and Attorney-General Herron sent a telegram to President Johnson asking if the military would interfere in case the courts should order the arrest of the "convention," for Judge Abell, in a charge

to the grand jury, had stated that the conventionists were engaged in an illegal procedure and were punishable by law. President Johnson replied that the military would sustain the courts, and that Governor Wells had been so informed. General Sheridan, then in command of the Department of the Gulf, was absent and General Baird was in command. He had been interviewed on the 25th by Lieutenant-Governor Voorhies and Mayor Monroe and had telegraphed to Secretary of War Stanton for instructions, but received no reply. The mayor announced that he would break up the "convention" as a disorderly assemblage if it should attempt to meet. General Baird maintained that the mayor had no authority to do this, as this was the duty of the governor. He said, furthermore, that unless the governor ordered the meeting to disperse, he, Baird, would order out the whole military force to protect it. General Baird was in a quandary. He knew that the President had ordered the military to support the legal authorities, but was at a loss to decide who these were. The courts had decided against the convention, but Judge Abell had been arrested by the United States commissioner for his charge to the grand jury, and Governor Wells apparently approved of the convention by his inaction. On the request of Voorhies and Monroe, however, General Baird finally consented to post some soldiers near the meeting-place to prevent any disorder. This was not done, through a mistake, as he afterwards claimed.

On the 30th of July, 1866, twenty-five members assembled in the Mechanics' Institute at twelve o'clock, but immediately adjourned until one o'clock. Governor Wells was in his office in the same building, but left it and went to his plantation outside the city before the "convention" reassembled. Shortly before one o'clock a negro procession of perhaps a hundred appeared on Canal Street and marched towards the Mechanics' Institute, where the "convention" that was to give them

the control of the government and absolute power over their former masters was then assembling. They marched in some disorder, but were highly elated. They had a United States flag, and a fife and drum were playing. There is something pathetic in the blind unconsciousness of this little procession, something symbolic of the course which the unhappy race followed at the call of lying leaders to its own misfortune. A crowd stood by, a crowd of white men, watching the procession. A scuffle began somehow. A negro drew a pistol and fired it — most of the negroes were armed — and then the watching crowd fell upon that unhappy procession. In a few moments the wretched negroes were flying for safety, flying to the hall where their leaders were sitting. There were many more negroes in Dryades Street before the Institute, and there were some inside the hall. Many of them were armed, but were too frightened to offer much resistance, as the increasing crowd of angry pursuers surged into the narrow streets after them. To their scared minds it must have seemed that the whole white race — the race before whom they had always bowed in submission — had risen to claim the long-delayed vengeance which they had been taught by the demagogues to believe no longer possible. Bricks and stones were flying, and some shots had been fired, some from inside the hall where the "convention" was quaking in its shoes and reckoning repentantly the long account against it, when Mayor Monroe's police, sent to break up the "convention" arrived upon the scene. The Federal troops had not left their barracks, for General Baird, as he afterwards claimed, had believed that the meeting would not take place before six o'clock in the afternoon. So the people had a free hand and a long score to settle. The negroes offered some resistance, the police clubbed, and the crowd lent a willing hand. The police broke into the meeting hall in spite of the barricades of tables and chairs hastily piled against the doors

and in spite of the white flag of surrender that fluttered pitifully too late from an upper window. The crowd followed the police into the hall. There was some shooting and much clubbing, and many arrests were made. Howell and Hahn escaped with their lives, but the notorious Dostie was shot, beaten, and tumbled mortally wounded into a cart. It is hard to say where the vengeance would have ended; but now came some Federal troops sent by General Baird, who had been appealed to by Mayor Monroe, and the trouble was quelled. As it was, General Baird had to report forty-four negroes and four white men killed, sixty-eight severely wounded, and ninety-eight less seriously hurt.

The news of the riot, garbled and distorted, threw Congress into excitement. A committee consisting of T. D. Eliot, Samuel Shellabarger, and B. M. Boyer were appointed to investigate. The majority, after a most unfair and irritating inquisition, made a report [1] which placed all the blame for the disorders in New Orleans upon the late "rebels" and the example set by President Johnson. Mr. Boyer, however, presented a minority report, holding, as was indeed the case, that the trouble had been caused by the "incendiary speeches, revolutionary acts, and threatened violence of the conventionists." Governor Wells, who had now appeared in the press calling for a Federal army, was sharply taken to task by Mr. Boyer for his conduct in the whole matter.

Congress willed to view the trouble as a verification of its pretended fears. At all events, it was plain that only force could make the Southern States subscribe to the fatal error of granting unqualified suffrage to the negro. Moreover, many of the Northern States were by no means hasty in ratifying the Fourteenth Amendment, and for a time its fate was uncertain. Congress, however, was determined that it should be forced upon the "rebels," no matter what means were adopted. The case is well illus-

[1] "New Orleans Riots," Report 16, House of Representatives.

trated by an interview which Louisiana's historian, Charles Gayarré, had with Secretary Seward. Judge Gayarré called upon the secretary, gave him a statement of the condition of Louisiana, and assured him that, as the people felt that their only hope lay in the President and his supporters, a word of suggestion as to the policy most likely to assist the Administration would be of the greatest help to the state leaders. Seward replied that the Administration had demanded but four things of the South, — the abolition of slavery, the repudiation of the doctrine of secession, the adoption of the Federal debt, and the repudiation of the Confederate debt. He said that the Administration did not care what means were employed to comply with these demands so long as the result was accomplished. The measures proposed by Congress, however, had been designed to please the North and to keep the South apparently in the wrong. "You have been wrong once," said the secretary, " and they intend to keep you there as long as they can." In regard to the Test Oath proposed by Congress, Judge Gayarré complained that it would shut out the best men from office. Then said Secretary Seward: "I say to you what I have said to the Southern men whom I first saw after the war, and who asked me for my views — such as Hunter, Stephens, Orr, and others, — I said to them: ' You must make yourselves as small as you can; you must stoop and humble yourselves as low down as may be necessary; you must roll in the dust; you must eat dirt if need be. It is very hard, I confess, but it is a necessity; and I will say to the North: Be magnanimous;' therefore I repeat to you that the best thing you can do is to get inside the Capitol as fast as you can, even if you have to creep for it on your belly."[1]

Congress now took the entire direction of affairs under its own management. As a preparatory measure, suffrage

[1] "Seward on Reconstruction," by Charles Gayarré, in the *Southern Bivouac*, February, 1886.

was granted to the negroes in the District of Columbia, over the President's veto. Early in February, 1867, the Reconstruction Bill drawn up by the Reconstruction Committee was presented to the House by Thaddeus Stevens and passed. Mr. Blaine proposed an amendment modifying the severe and thoroughly unconstitutional imposition of martial law in times of peace. His objection was overridden, and the bill went to the Senate. The Senate suggested modifications, chiefly bearing upon the clause which deprived the President of his constitutional right to control the army and containing the substance of Blaine's objections. This amendment, known as the Sherman substitute, was rejected by the House, but a compromise was finally effected. The President vetoed this bill, but Congress passed it over his veto in March, 1867.

Unconstitutional and tyrannical in every line, it fully accomplished the purpose for which it was framed. The seceding States were divided into five military districts, — of which Louisiana and Texas formed the fifth, — each of which was to be under the command of an officer not lower than a brigadier-general in rank; he was given full power to govern his district, with the sole restriction that persons put under military arrest should be tried without unnecessary delay, that no cruel or unusual punishment be inflicted, and that the death penalty should not be inflicted for offenses covered by the act without the approval of the President; it required the granting of suffrage to negroes, the framing of state constitutions incorporating the required conditions by voters qualified by the Test Oath, that constitutions so adopted should be ratified by the qualified voters and approved by Congress; the Fourteenth Amendment must also be ratified; the provisional governments of the States under process of reconstruction might be abolished at any time by the Federal authorities; and Congress was made the final judge to decide when any State should be in condi-

tion for readmission into the Union and for release from martial law. By these measures the people of the South were not only debarred from citizenship and placed under negro domination, but were denied the rights which the Constitution guarantees even to criminals, namely, the right to be presented by a grand jury and to be tried by petit jury in the regular civil courts, even though the crime charged against them should be treason.

The President's veto, possibly written by Secretary Seward, is a most masterly document, and is as complete a refutation of the false position taken by Congress as could be desired. Disregarding the personal insults aimed at himself in this and in the Tenure of Office Bill, presented and vetoed at the same time, he urged upon Congress, in view of the importance of these acts in their bearing upon the future, that a hearing at least be granted to all the States, which was then not possible, for ten Southern States and six Northern States would be debarred from representation by the measure as not having ratified the Fourteenth Amendment.[1] His objections were of course disregarded, and Congress proceeded to pass a Supplementary Reconstruction Bill, also in March, 1867. This bill ordered the commanders of the military districts to cause a registration of voters, including all males twenty-one years of age, regardless of race, color, or previous condition, who had been residents of the State for one year, and refusing suffrage to all who could not take oath that they had not been "disfranchised for participating in the rebellion." The commanders were to appoint registrations boards, each consisting of three loyal officers or persons. Elections for delegates to constitutional conventions were to be held under the direction of the military authorities and the

[1] Justice Miller of the United States Supreme Court has recently questioned the fact that the Fourteenth Amendment was ever ratified by the States.

constitutions duly ratified as provided in the preceding act.

The President complied with the law as established by the passage of these bills over his veto and appointed the required military commanders. Gen. Phil. Sheridan fell to Louisiana and Texas.

CHAPTER XV

THE FIGHT AGAINST "CARPET BAG" RULE

THE Louisiana legislature had assembled the December preceding these acts of Congress, and, in spite of the recommendation of Governor Wells, had refused, by a unanimous vote, to ratify the Fourteenth Amendment. When the Reconstruction Acts had been published they protested against them and instructed the attorney-general to test their validity before the courts. Governor Wells vetoed these resolutions, and by proclamation declared the Reconstruction Acts to be in force in Louisiana. The governor's will would have counted as nothing had not General Sheridan, who, however, had not yet received his appointment as commander of the newly designated Fifth Military District, assumed authority to order an election to be held on March 11, 1867, to choose delegates for a constitutional convention. His appointment came a few days later, and he then slightly modified his plan. He removed from office Attorney-General Herron, Judge Abell, Mayor Monroe, all parish officials, and all the officials of the city of New Orleans, including the chief of police. He even removed Governor Wells from office in June, as he was thought to be too little under the sway of Congress, though he was opposed to the popular government. The radical T. J. Durant was first appointed to the office, but as Durant declined, B. F. Flanders was appointed in his place. Edward Heath was appointed mayor of New Orleans. The commanding general ordered a registration of voters, and, after strictly enforcing the stringent Test Oath,

recorded 45,218 white voters and 84,436 negroes. When it is considered that, by Sheridan's order, only registered voters could serve on juries, and that martial law was absolute when necessity required, it can be seen how completely the State was in the hands of its enemies. The new registration regulations had not only excluded most ex-Confederates but even old Union men, many of whom refused to register, though fully able, rather than take part with the "carpet-bag" politicians and the horde of negroes who now controlled the government.

General Sheridan was removed by the President in September, and Gen. W. S. Hancock appointed in his place. Gen. Joseph A. Mower, who acted *ad interim*, continued Sheridan's overbearing policy and removed Lieutenant-Governor Voorhies. When General Hancock arrived in November, he inaugurated a conservative policy and ruled with whatever justice was possible with such unprincipled subordinates as he had. He reinstated Voorhies and some others among Sheridan's removals, and revoked Sheridan's order requiring that members of juries should be registered voters. He announced that he intended to support the courts and the civil authorities and to minimize military interference, as the surest way of producing content and securing good government. Upon the resignation of Flanders, he appointed Joshua Baker, a Democrat who had opposed secession, to the office of governor.

A constitutional convention did not meet and adopt a constitution until March, 1868, but when it did meet it was of a complexion to suit the taste of Congress, and its work must have been equally savory.

Following the precedent of the constitution of 1864, the present instrument showed a tendency towards a liberal generosity in the way of salaries. The salary of the governor was fixed at $8000, twice the amount provided by the Democratic constitution of 1879. The salary of the lieutenant-governor was to be $3000 per annum,

whereas in 1879 it had been fixed at twice the amount of compensation due to a member of the General Assembly, that is, $8 a day during session and traveling expenses not to exceed $30 each way. The compensation of members of the Assembly was to be $8 a day, whereas in 1879 it had been $4 a day. Article 2 made negroes citizens of the State and county and declared that allegiance to the United States was paramount to allegiance to any particular State. Article 3 abolished slavery and involuntary servitude. Article 13 showed that the negro lawmakers meant to push political equality on to social equality by providing that all public conveyances and *all places of public resort for which licenses were required* should be open to all persons "without distinction or discrimination on account of race or color." Article 135 further provided that "all children between the ages of six and twenty-one shall be admitted to the public schools or other institutions of learning sustained or established by the State, in common, without distinction of race, color, or previous condition. There shall be no separate schools or institutions of learning, established exclusively for any race by the State of Louisiana." Article 142 made the above rule apply to the university to be established in New Orleans. Article 98 further confirmed full negro suffrage, and Article 99 neatly disfranchised all persons "who held office, civil or military, for one year or more, under the organization styled 'the Confederate States of America;' those who registered themselves as enemies of the United States; those who acted as leaders of guerrilla bands during the late rebellion; those who, in the advocacy of treason, wrote or published newspaper articles or preached sermons during the late rebellion; and those who voted for and signed an ordinance of secession in any State." The only method by which a person so disfranchised might qualify as a voter was by "writing and signing a certificate setting forth that he acknowledges the late rebellion

to have been *morally and politically wrong*, and that he regrets any aid and comfort he may have given it; *and he shall file the certificate in the office of the secretary of state, and it shall be published in the official journal.*"

This constitution was ratified in April by a general election of those voters duly qualified by the above-mentioned provisions, which are substantially those laid down by Congress. General Hancock had now been superseded by Gen. R. C. Buchanan. Early in the winter the street commissioner of New Orleans and some members of the council charged with malfeasance in office had been removed by General Hancock, but General Grant had ordered these incapable men reinstated. General Hancock, then, finding that he could not retain his command and his honor at the same time, asked to be removed.

In accordance with a provision of the constitution, General Buchanan ordered an election for state officers to be held on March 18, 1868. H. C. Warmoth was elected governor and Oscar J. Dunn, a negro, was elected lieutenant-governor.

On the 27th of June the General Assembly met. An attempt was made to exclude Democratic members by Dunn, as president of the Senate, and by the negro chairman of the House, by requiring all members to take the Test Oath. General Buchanan ruled that President Johnson did not consider that the members should be required to take any oath other than the usual oath of office prescribed by the constitution. There were sixteen Democrats in the Senate to twenty Republicans, and in the House forty-five Democrats to fifty-six Republicans. The Republicans abandoned the Test Oath in deference to the President's opinion. It may be stated, however, that on the 1st of July many citizens of New Orleans, and among them many of the disfranchised, made an unequivocal demand for the admission of the Democrats.

In July the Assembly ratified the Fourteenth Amendment and elected William P. Kellog and John S. Harris to the Senate of the United States. General Buchanan then declared that civil government had been reëstablished in Louisiana upon the terms dictated by Congress and that military rule was at an end. He remained in New Orleans, however, in command of the Federal troops in the Department of Louisiana. The Assembly created the Metropolitan Police, a body of men put completely under the governor's power and patronage by giving him the appointment of the five police commissioners. On this board he appointed three negroes, and negroes filled the ranks of his private army.

Signs of restiveness were evident among the people as the presidential election of November, 1868, drew near. A convention of Democrats in New Orleans declared that the new political party had created two hundred new offices, had increased and sometimes doubled the salaries of officials, that they had increased the public debt, ruined the public credit, and destroyed the ability of the people to pay the great tax necessary to meet the increased expenses. On the 22d of September serious disorders took place in New Orleans, and in St. Landry Parish on the 28th. The negroes all over the State had organized secret societies known generically as the Union or Loyal League. The crimes committed by negroes since the war — theft, murder, house-burning, riot, and rape — were increasing to an alarming extent. The Freedmen's Bureau and the blindness of many officials had prevented the whites from getting justice in the courts. In retaliation, the Invisible Brotherhood or Ku-Klux-Klan had been formed, and was at first supported by the best and bravest men of the South. In many cases its summary justice alone had stood between the whites and annihilation or worse. This powerful organization spread over the whole South and maintained for a long time a rigid discipline under a recognized

head. Other organizations similar to it were formed. In Louisiana, the Caucasian Club or League of the White Camelia was the forerunner of the White League. There were cases where mere lawlessness masked under the guise of these earnest bodies and some acts of cruelty were committed in their names. The negro vote, which could be overcome in no legal way, was often frightened away from the polls. Finally, when the necessity of these organizations diminished and their aims became perverted, the best men withdrew from them and fought against them with all their influence. Nevertheless, they were a necessity and accomplished a great good. Deprived of all legal methods of defense, denied all justice, and placed at the mercy of excited negroes and their unprincipled instigators, the white people of the South were forced, for their very self-preservation, to take the only means of defense left them and fight the devil with his own fire.

The comparatively smaller danger of financial ruin, poverty, starvation, was real enough to drive any people to acts of desperation. When the state legislature met in January, 1869, Warmoth, in his message, declared the state bonded debt to be $6,777,300 covered by sufficient assets. The floating debt was placed at $1,929,500, for the discharge of which the legislature levied a tax of one per cent. upon all movable and immovable property in the State. The Fifteenth Amendment to the Constitution of the United States, declaring that the right of citizens to vote should not be abridged on the grounds of race or color, was ratified by this Assembly. It was reckless in its expenditures, in spite of the fact that some of the wildest of its bills had been vetoed by Warmoth. A mass meeting held in New Orleans on the 28th of January, 1870, to protest against its actions, declared that the state debt was already $28,000,000, an alarming advance upon the figures named by Warmoth a year before, and that the city debt alone was $17,000,000.

As a proper sequel to the session, the auditor, G. M. Wickliffe, was accused by Warmoth of extortion, was convicted, and removed from office.

The year 1870 saw a slight improvement in the chances of the people for regaining a voice in the government. In the November elections the constitution of the State was so amended as to remove the disfranchisement from many white men by abrogating Article 99; to limit the state debt up to 1890 to $25,000,000; and to disqualify officials from voting or continuing in office unless they could show receipts in full for the moneys they held. But none of these amendments had any practical effect, however, for the auditor in November, 1870, had estimated the state debt as more than $40,000,000. During that year, the expenses had exceeded the receipts by almost $500,000, and the State had assumed obligations to issue $15,000,000 in bonds. The legislature of 1871 went even farther. The expenses of the House in this session were $767,192.65 and for the Senate $191,763.85. Thus the average expenses of each member were over $113 a day. To the credit of Governor Warmoth it must be stated that he protested against this bare-faced robbery. According to his statement the total expenses, even allowing the excessive traveling expense of twenty-one cents a mile, ought not to have exceeded $100,000. Most of the money, he claimed, went to "an enormous corp of useless pages and clerks; for publishing the journals of each house in fifteen obscure newspapers, some of which have never existed, while some of those that did exist never did the work they were employed to do, although every one has received the compensation for it; and in paying committees authorized by the House to sit during vacation, and to travel throughout the State and into Texas." The enrollment of the House showed eighty clerks, most of whom received $8 a day for the entire session, though only 120 bills were passed during that

time, and though all their duties might have been fulfilled by eight or ten clerks. Many of the members of the Assembly were absolutely ignorant negroes. Only a portion of the extravagance is here noted. It is impossible to detail all the sums spent on public improvements that were never even begun, to discuss the fraudulent issues of bonds, the sale of franchises, and the pledging of the credit of the State to all sorts of enterprises engineered by officials or their friends. The corruption was so general and so notorious that no one connected either directly or indirectly, whether actually guilty or not, has escaped from the mess without taint in the eyes of the people. It is impossible to extricate the detailed truth from the confusion, intrigue, prejudice, hatred, misstatements, charges, and countercharges, of rascal against rascal; but when the pot and the kettle so insistently and incessantly call one another black, the chances are that both are right.

There were unmistakable signs of splitting in the National Republican party during 1871; men were beginning to see the truth at the North, and the party of Liberal Republicans was forming. In Louisiana a reflection of this tendency caused the more decent faction represented by Warmoth to hold out a hand to the dispossessed Democrats. The most radical Republicans, called the Custom House faction, were led by S. B. Packard (United States marshal) and George W. Carter, speaker of the House of Representatives. In August, 1871, the Packard faction, bent upon early efforts to capture the government, held a convention in the Custom House under the protection of the gatling guns of the Federal troops, and from that stronghold Carter retaliated upon the governor for his charges of corruption and dishonesty, by calling Warmoth a taker of bribes and the greatest practical liar alive. The Warmoth party held a meeting and sent a report of the condition of affairs to President Grant. The Packard faction did

likewise. In November, Dunn, the negro lieutenant-governor, died, and Warmoth, in a special session of the Senate, succeeded in getting his negro ally Pinchback elected president of that body and *ex-officio* lieutenant-governor. At the session of the House in January, 1872, some of Warmoth's supporters were excluded and the governor himself was arrested and brought before the United States Marshal, Packard, on the charge of interfering with the organization of the House. He was released on bond, called an extra session of the House, and by the influence which he controlled succeeded in turning Carter out of the speaker's chair and putting in O. H. Brewster. Carter and his party thereupon deserted from the House and assembled in a meeting which they called the true legislature, over the Gem Saloon in Royal Street. Their resistance to the governor was determined and lawless. They refused to recognize his authority; one of his men was killed in the street; and when they were dislodged from the Gem they reassembled in Packard's office in the Custom House. Finally, on the 27th of January, 1872, Carter appeared with a mob of some three thousand men before the Mechanics' Institute, then used as the State House and attempted to take forcible possession, but were prevented by General Emory, commander of the Federal troops.

Congress now appointed a committee to investigate the conduct of the Federal officials and of the two factions. The committee consisted of five members. Three of these reported that the trouble was a mere quarrel between two factions of the Republican party, and that the Democrats sided with one side or the other as interest prompted. The minority report of Spear and Archer stated that the disorders were caused by squabbles between two sets of rascals, of whom the State would soon rid itself if a fair election could be held. They said that the governor had been given almost unlimited power and had used it for the profit of himself and his friends,

who were nearly all aliens to the State, as he himself was; that the governor appointed the registrars, who returned his friends and shut out his enemies; that certain members of the legislature had never resided in the parishes which they represented; that one of the governor's supporters had been elected "in a private room in a New Orleans hotel, at midnight, to represent a parish a hundred miles away;" that the state tax had been increased to 2 per cent. and the New Orleans city tax to 5 per cent., and that the debts and liabilities of the State in 1871 had risen during Warmoth's term to the tremendous sum of $41,000,000; that the will of the governor passed or checked any bill; that he frequently appeared on the floor of both Houses to influence members; that "the world has rarely known a legislative body so rank with ignorance and corruption;" and that, while there was no direct evidence that Warmoth had taken bribes, as charged, it was at least significant that, although he had been a very poor man when he entered and had received an annual salary of $8000 for the four years of his term, he was nevertheless estimated to be worth something between $500,000 and $1,000,000.

The presidential campaign of 1872 began early. Horace Greeley was nominated by the Liberal Republicans upon a platform which favored the removal of political disabilities from the white men of the South. The Radical Republicans renominated Grant and reiterated the original congressional doctrines in regard to the Southern States. A considerable portion of the Democratic party, both North and South, decided to support Greeley as their only chance of regaining their rights and reëstablishing honest government in the crushed remnants of the Confederacy.

The Grant party was distinctly in a majority at the North and controlled all the political machinery at the South. In Louisiana, the Packard faction favored, and was favored by, the Grant party. Warmoth felt that

he was in a dangerous position, for the opposite faction had made dire threats of the vengeance that would be taken upon him when they controlled the State. He therefore organized a Liberal Republican party and promised the Democrats a fair election for their support. His ally Pinchback, however, deserted him for the Packard faction.

A fused convention of the Democrats, the Reform party, and the Liberal Republican party met in June, 1872, and nominated John McEnery and Davidson Penn, both Democrats, for governor and lieutenant-governor respectively. The Pinchback and Packard supporters fused and nominated W. P. Kellogg for governor; a negro, C. C. Antoine, for lieutenant-governor; a negro secretary of state, and a negro named Brown as superintendent of public education. Pinchback was nominated as congressman at large. On the 4th of November, 1872, the election was held. The McEnery ticket received a majority of votes, but complications in the more important question of counting the votes now set in. By the existing law, it was required that the election returns be sent to the governor and opened in the presence of the Returning Board, consisting at that time of the governor, the lieutenant-governor, the secretary of state, John Lynch, and T. C. Anderson. Lieutenant-Governor Pinchback and Anderson were candidates for office and were therefore disqualified from serving on the Board. The secretary of state, F. J. Herron, whom Warmoth had appointed to the office the year before in place of Bovee, whom he had removed on the charge of malfeasance, had not been sustained in his office by the courts when his appointment had been tested, and Warmoth now removed him and appointed John Wharton in his stead. In place of Pinchback and Anderson he appointed F. W. Hatch and Durant Daponte. The Board, then, which met on the 13th of November, consisted of Warmoth, Hatch, Daponte, Wharton, and Lynch, all supporters of Warmoth

except the last named. Lynch, finding himself thus alone, collaborated with the removed Herron, and together these two "appointed" a new board by adding General Longstreet and Jacob Hawkins, and finally ex-Secretary Bovee, in whose favor Herron resigned. The subsequent proceedings are so extraordinary as to be almost incredible.

Kellogg had brought suit before Judge Durell of the United States Circuit Court against Warmoth, McEnery, and the official journal of the State. Judge Durell issued an *ex parte* order restraining the defendants from counting election returns except in the presence of the Lynch Board, the governor's appointees were enjoined from serving on the Board, McEnery was enjoined from claiming office upon any returns made by Warmoth's Board, and the State Journal was enjoined from publishing any statements of election made by defendants.[1]

So far, so good; but Warmoth was a wily opponent. At its last session the legislature had passed a bill vesting the Senate with the power to elect the members of the Returning Board. Warmoth had not signed the bill, for at that time it would have seriously curtailed his power. Now, however, he saw how he might take advantage of it. He signed the bill, and called an extra session of the Senate to meet in *December* and elect a board. In the mean time he took advantage of the law which empowered the governor to make temporary appointments when the Senate was not in session to choose an entirely new Returning Board. This body, known as the De Fériet Board, declared the McEnery ticket elected.

The Kellogg faction now saw that their only chance of successfully contesting the election lay in the support of the Federal authorities.[2] It was therefore represented to General Grant that by his support the state government

[1] See Randall Hunt's "Appeal in Behalf of Louisiana to the Senate of the United States."

[2] See Report of the subsequent investigating committee of the United States Senate for details of what follows.

might be made solidly Republican and so give the whole vote to him. The response to this request was prompt and efficient.

Judge Durell, immediately upon the announcement of McEnery's election, issued an order which the Investigating Committee of the United States Senate subsequently declared to be "without parallel in judicial proceedings." He ordered the United States Marshal, Packard, to seize the State House and prevent the McEnery party from taking possession. This order was not only preposterous and illegal in itself, but had been issued at night, out of court, and was not sealed or signed by the clerk. Under ordinary circumstances it would have had no more effect than an order issued by any private person. But Packard knew that he would be backed by the President and the Federal troops, for he had been so assured by a telegram from the Attorney-General of the United States. He therefore called for a detachment of United States soldiers and seized the State House at two o'clock on the morning of December 6th. Under another order from Judge Durell, the Lynch Returning Board installed the Kellogg faction in office and excluded from the legislature the members who had been declared elected by the Warmoth board.

This assembly met at the Mechanics' Institute on the 9th of December, 1872. Pinchback assumed leadership. His term of office as state senator had expired more than a month before, but he was nevertheless elected temporary president of that body, and even authorized to act as governor by President Grant, who had been kept informed or, rather, misinformed of all that was taking place. President Grant's ostensible reason for supporting the Radicals was that they had been "sustained by the courts." A more practical reason was that they represented the party that would help to continue him in office and power.

Meanwhile the McEnery legislature met in the City

Hall on December 11, and was declared the legal body by Warmoth. On the 12th, Governor McEnery telegraphed President Grant asking that decision be suspended until both sides might be heard and assuring him that a committee of one hundred of the best citizens of New Orleans was ready to go to Washington and lay the case before him. The following reply was received from Attorney-General Williams: "Your visit with a hundred citizens will be unavailing, so far as the President is concerned. His decision is made and will not be changed; the sooner it is acquiesced in, the sooner good order and peace will be restored." General Emory received prompt orders to use all necessary force in sustaining Acting-Governor Pinchback. At the same time a committee of forty-five citizens, sent to Washington in behalf of the people, were refused a fair hearing. Congress sent an investigating committee, which declared that the McEnery party were the government *de jure*, but that the Kellogg and Pinchback party, backed by the United States army, were the government *de facto*, and recommended that Louisiana be placed under Federal control until a proper set of officials could be chosen. This recommendation was not accepted by the President, who remained firm in his support. Kellogg then assumed office, Pinchback having been appointed only to act after Warmoth's impeachment until the troubles could be settled.

Kellogg's inauguration, however, was no settlement. Governor McEnery and his officers and legislature maintained a form of official existence, and began the organization of a militia. Riots now became frequent, for the Kellogg legislature transformed the Metropolitan Police into a well-armed military brigade, and put it directly under the governor's orders for such tyrannical employment as exasperated the people beyond endurance. Citizens attacked the police stations in New Orleans on the 3d of March, 1873, and were checked only by the inter-

ference of the Federal troops. Similar troubles arose at Colfax, at Coushatta on Red River, and in St. Martin's Parish. The McEnery legislature was arrested in March, 1873, and locked up.

The people were now driven to desperation. Either perpetual negro rule or annihilation seemed inevitable. At all events, existence had grown to be but a doubtful blessing in Louisiana. Men saw the futility of attempted fusions with factions of the Republican party; they had long ceased to hope for mercy, or even justice, from the Federal government; and they had been denied all the rights of citizens and even the rights granted to men on trial for crime. They knew that the power of their oppressors lay in the protection of the Federal army and the support of the ignorant negro vote. It was plain, that if they could establish a legal and orderly government, the Federal troops would be withdrawn. There remained consequently but one hope and one duty — the determination to rectify the blunder of negro suffrage and annul the pernicious influence of his vote.

With this object in view the White League was organized. The first organization is said to have been formed at Opelousas in April, 1874. The Crescent City White League was formed in New Orleans in June, 1874. F. N. Ogden was the first president, and W. J. Behan the first vice-president. The best men of the State were soon enrolled in its ranks. Their platform, declaring for free white government, was published,[1] and a meeting was held at Baton Rouge with R. H. Marr as chairman. This meeting announced that the people were determined to have a fair election at any cost, and Kellogg was denounced as a usurper. Kellogg retaliated by furnishing arms to the negroes throughout the State, seizing weapons and ammunition from stores and private houses in New Orleans to accomplish his purpose. The White League was, in the mean while, organizing as Governor

[1] See N. O. *Picayune*, of July 2, 1874.

McEnery's militia, drilling in cotton-presses and halls about the city, and preparing for determined action. Under many difficulties and by all sorts of subterfuges, arms and ammunition were gradually obtained. Kellogg offered all the opposition in his power, and made some seizures of arms. It was his attempt to capture the large consignment of guns that came in for the White League on the steamer Mississippi that was the direct cause of the fight on the 14th of September, 1874.

On the morning of the 13th, the Sunday papers contained an appeal written by Dr. J. Dickson Bruns, calling upon all true citizens to close their places of business and assemble about Clay statue on Canal Street at eleven o'clock on the morning of the 14th. To this call were signed the names of other known and trusted men. An orderly crowd of about 5000 white men assembled at the hour appointed. R. H. Marr called the meeting to order, and Michel Musson was elected to preside. Judge Marr delivered an address, and presented a set of resolutions protesting against the frauds perpetrated by the Kellogg faction in seizing the government, declaring him a usurper, and demanding his immediate abdication. A committee of five was appointed to present this resolution to Kellogg, demand his immediate answer, and report to the meeting. The committee set out in search of Kellogg, but found him not. There had been no mistaking the determined tone of the call that had appeared in the papers the day before. Not a negro was to be seen on the streets, for the rumor had gotten about that the white men had risen to exterminate them. Not a house-servant that day dared show an ashen face beyond the back gate. And their leader, Kellogg, had fled for safety to the United States Custom House, where a Federal guard, Federal cannon, and the shadow of Federal authority made it, in the phrase of the people, a veritable "House of Refuge" for such as he. The committee found a member of Kellogg's staff in his office, and

through him sent their message to the chief in the Custom House. From his haven of safety, Kellogg was courageous enough to reply that he had been informed of the meeting of several bands of armed men in different parts of the city, but that, as he considered such action as an attempt to intimidate him, he refused to receive any communication from them.

The waiting crowd at Clay statue received this answer with cries of "Hang Kellogg!" and demands for leaders. Speeches were made by Marr, E. John Ellis, and Dr. Cornelius Beard, and the people were told to go to their homes, get their guns, and assemble in the regularly formed companies of the White League militia at half past two in the afternoon. Gov. John McEnery was absent during this crisis, but Lieut.-Gov. Davidson Penn, a fearless old soldier of the Army of Virginia, issued a proclamation calling out the militia to break up Kellogg's assumed power by dispersing his Metropolitan Police. Gen. F. N. Ogden, another soldier of the Civil War, was appointed commander of the forces.

An interval of silence and waiting fell upon the city. There were many uneasy consciences in New Orleans on that day of reckoning. About the Custom House some frightened negro officials gathered to be under the protection of the one hundred and fifty men of the United States Sixteenth Infantry, who were by this time heartily sick of the irksome task of protecting Kellogg and his rascals from the vengeance of the oppressed people. Near the Kellogg State House, at the corner of St. Louis and Royal streets, were more negroes. The doors were bolted and barred; some thirty or more Metropolitans walked about upon the gallery; and the few people who were allowed admittance passed between a double file of police. The Third Precinct Station was full of heavily armed Metropolitans. In the Supreme Court room at the Cabildo on Jackson Square, some two hundred Metropolitans were under arms. General Badger was in command of the

police, but supernumeraries had been drafted into service and the renegade General Longstreet had been put over the whole of Kellogg's forces.

Now, from all parts of the city the members of the White League began to assemble. In the most perfect order squads of men with rifles or shot-guns marched towards the meeting place to receive orders and go to their proper posts. The purpose of these men was too earnest, the crisis too serious, the issue too important, and the final outcome too grave and doubtful for small acts of violence or petty disorder. In reality, it was the lawful calling out of the militia to suppress if possible an illegal and disorderly crowd of political speculators who had captured the government and maintained a false authority through the misguided assistance of the Federal government. General Ogden established his headquarters on Camp Street, and the bulk of his militia were drawn up around the corner on Poydras Street in a line extending from Carondelet Street to the river. Along this line, all the streets running down to Canal Street parallel with the river had been blockaded with horse-cars, barrels, stones torn up from the pavements — anything that came to hand. All had been planned in advance, and by three o'clock in the afternoon the line was in readiness for action.

In the mean while about five hundred Metropolitans, under General Longstreet and General Badger, with six pieces of artillery, formed on Canal Street between the Custom House and the levee. The White League's right wing extended also to the levee at the foot of Poydras Street and was in easy range. At a quarter past four General Badger opened fire on this right wing of the White League with a gatling gun and two twelve-pounders. General Behan was in command of the citizens here and returned the fire; but the White League was poorly supplied with artillery and they were at a decided disadvantage. So a charge was ordered. In a moment the

air was rent with the old "rebel yell," and the men of Shiloh, Gettysburg, and a hundred fields of battle charged upon the Metropolitans. Down the open levee, through Front, Peters, and Tchoupitoulas streets they swarmed, driving the police from their guns and chasing them out Canal Street past the Custom House, where the United States soldiers standing by to watch the combat threw up their caps and cheered on their old antagonists. In a little while it was all over. The arsenal, the State House, the Supreme Court, and all the camps of the Metropolitans below Canal Street surrendered before ten o'clock that night, and the whole city was garrisoned by the six thousand men who had answered the call of the acting governor. The police lost eleven men killed and sixty wounded. General Badger was desperately wounded and captured in the fight. The loss of the citizens was sixteen men killed and forty-five wounded.

By one o'clock the following day, all the armed men had left the streets, the horse-cars were running, business was renewed, and even some negroes, reassured by a proclamation that the vengeance which had been meted out to their leaders would not be extended to them, reappeared on the streets. Not a vestige of Kellogg's government was visible, and a crowd of about three thousand men escorted Governor Penn to the State House.

And now the people waited with anxiety for the word of fate that should come from Washington. On the night of the 14th, Acting Governor Penn had telegraphed to President Grant that the citizens had turned out the usurping government, asserted the loyalty of his party to the United States, and begged that the people be allowed to establish their chosen officers peaceably and without the intervention of United States troops. The response of the President was to send troops and ships of war at once to the city, and to order General Emory to demand the immediate surrender of the people's government. Governor McEnery returned to the city on the 17th and

surrendered his office upon the order of the military commander. General Emory appointed General Brooke to command the city, but President Grant did not approve of this and ordered that the Kellogg government should be reinstated. Resistance against the United States was of course useless, and Kellogg, under this protection, emerged from retirement and resumed his office. Nevertheless, the people were thoroughly aroused; they had proven that only the power of the United States army could maintain the "carpet-bag" politicians in office; and they were determined, now that the odious Metropolitan Police had been wiped out of existence and a wholesome lesson of caution administered, to win back the State at the polls.

The general election for state and national representatives was about to be held. A committee of citizens (the Committee of Seventy) laid the whole case before President Grant in a report, assuring him that the Conservative party, though having a large numerical majority, was so shut out by the Radical Republicans, who controlled all the election machinery, that a fair count could not be had. The whole city was one military camp. President Grant paid no heed to this appeal.

The election was held on the 2d of November, 1874. In the city, many Democrats and Conservatives were prevented from voting. In the country, negroes were kept away from the polls by force, however, the polls were controlled, and the tables turned. In such cases and wherever a fair election was held, Democratic candidates were elected. The Conservative and Democratic party claimed four out of six congressmen, a large majority in the state legislature, and their candidate for state treasurer. Elections in Louisiana, however, had for many years been decided not at the polls, but in the office of the Returning Board. This was, of course, under the control of the governor. The present board, of which J. Madison Wells was chairman, met under the protection

of Federal troops in the State House, on December 11, and announced that 54 Republicans and 52 Conservatives and Democrats had been elected to the state legislature and that a Radical Republican, Dubuclet, had been elected state treasurer. Simultaneously with this announcement, Oscar Arroyo, a member of the Board, resigned his membership on account of the frauds to which he refused to be a party. So manifestly corrupt were the returns of the Board that President Grant, fearing the people would not tolerate the wrong, ordered the redoubtable General Sheridan to New Orleans.

On the 4th of January, 1875, the legislature assembled. The full membership was one hundred and eleven; but Kellogg had posted police officers at the doors of the assembly room to keep out all those whose names had not been returned by the Board, one hundred and six in all, with a Republican majority of two. The five members who had not been passed by the Board and whose cases were to be decided by the legislature were present in the room, but were prevented by the police from going within the bar behind which the legislature sat. It was evident that Kellogg meant to control the session by maintaining a majority of his party by any means. The Democrats were equally determined to seat the contesting members and control the majority to which they felt themselves entitled. A committee of three from the national Congress was present and made a report of the stirring scenes that took place. Two of these, Charles Foster and William Walter Phelps, sat within the bar through the whole meeting. The third, C. N. Potter, sat outside the bar and left almost immediately.

The meeting came to order, a roll was called, and a quorum declared present. Mr. J. S. Billieu of Lafourche immediately took the floor, moved that Mr. L. A. Wiltz of Orleans be elected speaker *pro tempore*. He put the motion quickly and declared Wiltz elected, almost before the Republican members had recovered

from the shock of this unpleasant surprise. Wiltz sprang to the platform, pushed aside the clerk, Vigers, of the former House, and seized the gavel. He was sworn in by W. T. Houston, first justice of the peace in Orleans Parish, and Wiltz swore in all the members in block. Motions were now made with startling rapidity and with such grim determination that opposition was at first cowed to submission. P. J. Trezevant was made clerk and E. Flood sergeant-at-arms. Ten men had been admitted to act ostensibly as "messengers" for the people's party, and these ten men were quickly sworn in as assistants to the sergeant-at-arms. On motion of Mr. Billieu, the five contesting members were admitted to their seats. The temporary officers were now made permanent, though the Radicals made an attempt to get Michael Hahn elected. Wiltz then took oath and fifty-nine members were sworn in, among them five Republicans. The Speaker now announced that the House was ready for business, a committee on elections was appointed, and the question of contested seats was about to be taken up when a new diversion occurred.

The Radicals, chagrined at the defeat of their plans and disappointed at this unexpected activity of their opponents, now tried to obstruct the proceedings. The police had not yet interfered, but the news of what was going on had traveled to headquarters, and Kellogg sent reinforcements. The Congressional Committee in its report stated that the police and others at the door began an altercation with the sergeant-at-arms and his assistants. Some of the Republicans in the assembly attempted to go out, but Wiltz ordered the sergeant to permit no one to leave the room or enter it. Great disorder prevailed, pistols were drawn, threats were exchanged, and a fight seemed about to take place, when a Conservative member moved that the Speaker send for Colonel de Trobriand to preserve order. This was done. The colonel came alone with one aide and went up to the Speaker's chair.

Wiltz requested him to speak to the persons in the lobby and restore order. The colonel was able to restore quiet, and then withdrew after being thanked by the Speaker. For about an hour the proceedings were continued, but, at three o'clock Colonel de Trobriand returned, this time in full uniform and accompanied by two officers. With him, also, was Vigers, the former clerk, who had been ousted by Speaker Wiltz. Colonel de Trobriand held written orders from Kellogg to turn out all members whose names had not been approved by the Returning Board. These orders were shown to the Speaker, who refused to let Vigers read them aloud. Colonel de Trobriand's adjutant read the orders. The Speaker then declared that he would not let the five contesting members be dismissed except by force and under compulsion of the military, and refused to point them out. Clerk Trezevant also refused to point them out, nor was Vigers allowed to call the roll for that purpose. The members in question were pointed out, however, by T. C. Anderson and H. J. Campbell, and these members, with four others and Clerk Trezevant, were ejected at the point of the bayonet by soldiers whom Colonel de Trobriand called in. Vigers now assumed the clerk's vacant place and proceeded to call the roll which had been edited and expurgated by Kellogg. Two Democratic members had answered to their names, when Speaker Wiltz called upon all the representatives to follow him from the room in protest against this invasion of a state legislature by United States troops. All the Conservative and Democratic members left the room with him. The Radicals remained in possession, elected Hahn speaker, and chose their other officers for permanent organization.

In reporting this affair, the Congressional Committee, already mentioned, declared that the controlling party was plainly in a minority; and that if Louisiana were freed from Federal interference, McEnery would be governor; that the citizens wanted nothing but peace, jus-

tice, fair elections, and good government; that the people of Louisiana "in their distress had gotten beyond any mere question of political party" and were ready to support "any form of government that would afford them just protection."

General Sheridan, on the other hand, reported that there was in the State a spirit of "defiance to all lawful authority and an insecurity of life that is hardly realized by the general government or the country at large." He declared that the President should order him to arrest and try by court-martial the "banditti" who had murdered men on the 14th of September and ever since committed continued acts of lawlessness.

This report of General Sheridan roused a general protest of indignation for its manifest injustice, and the clergymen of New Orleans of all creeds and denominations, including the Roman Catholic archbishop, the Episcopalian and Methodist bishops, and the rabbi of the Jewish Temple, signed and sent to Secretary of War Belknap this statement: "We, the undersigned, believe it our duty to proclaim to the whole American people that these charges are unmerited, unfounded, and erroneous, and can have no other effect than that of serving the interests of corrupt politicians, who are at this moment making extreme efforts to perpetuate their power over the State of Louisiana."

At the North, a realization of the misery of the South and the degradation to which it had been subjected was now spreading among all fair-minded men. The facts and the truth, which had so long been kept from the Northern people or garbled and offset with falsehood or exaggeration of special instances of wrong, were now becoming generally known, and the influence of the Radical Republicans was fast weakening. The Senate of the United States called upon President Grant for an explanation of the extraordinary interference of the military with the Louisiana legislature. The message which the

President delivered them on the 13th of January was a weak document, rehearsing the troubles of Louisiana from the time of the contested election of 1872. He acknowledged that he was not certain whether Kellogg had been really elected, since the whole election, to use his expression, had been "a gigantic fraud," and since there had never been any "reliable returns of the result." All that he could say in justification of his support of Kellogg was this: "Kellogg obtained possession of the office, and, in my opinion, he has more right to it than his competitor." He did not explain *how* Kellogg had obtained the office, and the midnight order of Judge Durell and the action of Federal troops under his own orders were passed over. As a result of its inquiries, Congress sent down another committee, consisting of George F. Hoar, W. A. Wheeler, W. P. Frye, and S. S. Marshall. They effected what is known as the "Wheeler Adjustment or Compromise." A caucus of Conservatives ratified this agreement, as it seemed to offer the best terms obtainable at that time, and a special session of the legislature accepted it in March. In brief, the compromise was as follows: Kellogg was to remain in office and was not to be impeached for any acts committed prior to the agreement; the Democratic members who had been excluded from the legislature, now amounting to twelve, were seated, thus giving the Conservatives and Democrats a majority in the lower House; Wiltz and Hahn renounced their claims to the speaker's chair and E. D. Estilette was chosen; and the people's party was justified by the result of the investigation.

On the 3d of January, 1876, the legislature met, and the House attempted to abolish the corrupt Returning Board, but were prevented by Kellogg and the Senate, who together controlled the Board and depended upon it for their political existence. Frauds in the executive and judicial departments of the government had continued to such a degree that the House appointed

a committee to investigate and examine the public accounts. As a result a committee was appointed to draft articles of impeachment against "Acting Governor" Kellogg, and the Senate, as court of impeachment, was notified. The Senate, however, had no mind that the trial should take place, and notified the House that it would allow until seven P. M. *of the same day on which the resolution was presented* for the presentation of charges. Nothing could be done in that brief time, and the Senate dismissed the accusation and declared Kellogg acquitted. The House adopted fourteen articles of impeachment for acts committed by Kellogg *since* the Wheeler Compromise, but was forced to content itself with this action and with a protest against the action of the Senate. In his own behalf, Kellogg vouchsafed the statement that he had indeed approved certain "temporary diversions of state funds," but only at times of great public need and without the loss of one cent to the State.

But the days of the carpet-baggers were numbered in the land upon whose misery they had thriven. The National Republican Convention which nominated Hayes had adopted a platform which made sound money the chief issue, pledged the party to a reform of the civil service, and advocated a conciliatory policy towards the Southern States. Hayes and his running mate Wheeler were both conservative men and were opposed to the maintenance of enforced governments in the South. The Democratic party, now of great strength, nominated Tilden and Hendricks. The election for national and state officers in Louisiana was to be held in November, 1876, and it was felt that a supreme effort should be made to regain the government. The radicals had shown no evidence of any intention to change their methods. They had nominated the notorious Packard for governor and Cæsar Antoine, a colored man, for lieutenant-governor. Against this ticket, the Democrats nominated a man

whose determination and courage could be relied upon to sustain his election, Gen. Francis T. Nicholls, a soldier already distinguished for conspicuous bravery in the Civil War. L. A. Wiltz, also a man of known courage, was nominated as lieutenant-governor. In utter desperation, the party had pledged itself to sustain these candidates, if elected, at any cost and against any opposition. As the time of election drew near, President Grant made no attempt to secure a fair and orderly election in the State, but merely invited certain prominent Republicans to be present and watch the workings of the Returning Board, among them Garfield, Sherman, and Wallace. The chairman of the Democratic National Committee likewise asked prominent Democrats to be present at the Louisiana election, and among these were Henry Watterson, John Palmer, and S. J. Randall. There was small chance of a fair count, however, for the old Returning Board was still in power and its members were men whose devious methods were well known. It was composed of J. Madison Wells, T. C. Anderson, L. M. Kenner, and Gadane Casanave (colored). The place left vacant by the resignation of Arroyo, on account of the fradulent action of the Board at the last election, had not been filled, in spite of Democratic protest. President Grant, moreover, had ordered General Augur to see that the Board was not disturbed in its count. This Board and its returns were certified to by Kellogg. A Democratic Committee on Returns had also been appointed and its findings were certified to by John McEnery, governor *de jure*.

As might have been expected, the Returning Board declared that all Republican candidates as presidential electors and the Republican state ticket had been elected. The Democratic Committee declared its own presidential electors and state ticket elected. The Democratic visiting committee declared that the result of the action of the Returning Board was "arbitrary, illegal, and entitled to

no respect whatever." The Republican visiting committee made a noncommittal report. Referring to the Returning Board, it says: "It is a tribunal from which there can be no appeal. . . . Members of that Board, acting under oath, were bound by the law, if convinced by the testimony that riot, tumults, acts of violence, or armed disturbance did materially interfere with the purity and freedom of election at any poll or voting place, or did materially change the result of the election thereat, to reject the votes thus cast, and exclude them from their final return. *Of the effect of such testimony* the Board was the *sole and final judge*, and *if in reaching a conclusion it exercised good faith and was guided by an honest desire to do justice*, its determinations should be respected even if, upon light proof, a different conclusion might have been reached by other tribunals or persons." The meaning of all this was that the visitors had not been in a position to judge whether the Board was legally justified in throwing out votes sent from any place where their own partisans made claims of intimidation or disorder, and that the correctness of its decision depended solely upon the honesty of the Board itself as the "sole and final judge." Any reader of the present narrative is able, without further detailed evidence, to judge whether the findings of such a board were more likely to be governed by abstract ethical principles or the exigencies of practical politics, and a moment's consideration of the composition of this Board and the method of its creation will not leave the conclusion long in doubt. As a matter of fact, not even the Returning Board could disguise the fact that the face of the returns showed a majority for Tilden and the Democratic state ticket. The only way of abrogating this majority was to throw out unfavorable returns on the ground of intimidation, though in the very parishes where these claims were made the total vote was as large as ever before. That the election was clean and pure on either side cannot be pretended, but only the em-

ployment of gross fraud on the part of the minority in power produced certain inevitable exhibitions of force on the side of the undoubted majority. In many parts of the South on that election day no white man was sure that his vote for a Democrat would be accepted and counted unless he stood by with his shot-gun to witness the operation. In view of the long record of scandal and oppression and dishonesty that lay behind the party in power, even a revolution effected by sheer force would have been justified, and more than justified. The only force used was the mere exhibition of power to assure that the votes of an undoubted majority should be fairly deposited.

Fortunately other circumstances conspired to withdraw Federal support from the "carpet-bag" government, and the attempt of the Returning Board to annul the results of the election came to nothing. The Republican legislature did indeed assemble in the State House on Royal Street, which Kellogg had barricaded, and had declared Packard elected and inaugurated him in January, 1877. But they had no support from the Federal government, owing to the contest being waged over the decision of the presidential election; and the Democrats had installed Governor Nicholls and all their state officers in St. Patrick's Hall on Lafayette Square. A force of the White League numbering about 6000 men had been put under the command of General Ogden and had taken possession of all the courts, police stations, the arsenal, and the Supreme Court building. No attack, however, was made upon Packard in the State House, pending the decision upon the presidential election. But the one chance for which Louisiana had waited since the Civil War now came to it out of the complication in national politics. The Republican managers, relying upon returns that had already come in and upon the certainty that the Republican machine in Louisiana, South Carolina, and Florida would give the vote of those States to their candidate, had declared Hayes elected by an electoral vote of one the

day after election. The electoral votes, however, had to be counted in Congress, and the Democrats were strong in the Senate and controlled the House. The election was claimed for Tilden by his friends on the face of an actual majority. To lessen the difficulty, an Electoral Commission, composed of five members from the Senate, five from the House, and five from the Supreme Court, was chosen to open the returns in presence of Congress. The Republicans were able to obtain a majority on this Commission. Nevertheless, a single electoral vote from either one of the States from which double returns were sent in would elect Tilden. These States were Louisiana, South Carolina, and Florida, in which similar conditions prevailed, and Oregon, which, for different reasons, sent in double returns. In the case of Louisiana, Kellogg certified to the electoral vote for Hayes, and McEnery certified to the electoral vote which the State had undoubtedly cast for Tilden. Even if all the votes of these States were given to Hayes, he would be elected by but one vote. The Commission decided that the returns certified to by the Republican governors should be considered legal, and thus gave the election to Hayes. There were Democrats who felt that the will of the majority of votes should prevail at any cost and were eager to install Tilden by force if necessary; for their candidate, even by Republican count, had received a popular majority of 250,000. Tilden refused to consent to such a course of action, and the Southern Democrats showed an equal hesitation to contest the decision further. The fact was that agents of Hayes had made pledges to the Southern Democrats which assured them the control of their state governments in return for the electoral vote given to the Republican candidate. "Boss" Shepherd had come to New Orleans *incognito* and had reached an understanding with the state leaders. Thus Hayes was inaugurated on the 4th of March, 1877, upon the votes of Democratic States; but these States were "returned" to the Democrats, and

the "carpet-bag" government was deprived of Federal support in the last places in which it persisted, Louisiana, South Carolina, and Florida.

Packard had made a last appeal to President Grant just before the inauguration of President Hayes, but Grant had replied through his secretary that he did not believe that public opinion would any longer "support the maintenance of state governments in Louisiana by the use of the military." The Federal authorities thus refused to recognize either claimant, and the Radicals, feeling themselves deprived of their only source of power, began to desert their leaders. Even Pinchback acknowledged the election of Governor Nicholls.

The Democratic state government had now completed its organization in all branches, and on March 28, 1877 received the McVeagh commission sent by President Hayes to acknowledge a single permanent government. On the 6th of April resolutions from a mass-meeting and from a joint session of the legislature were laid before the committee by Governor Nicholls, who explained the situation in detail. On the 20th, President Hayes ordered the withdrawal of Federal troops. The next day the last remnants of the Packard faction disappeared. On the 24th, the Democratic officials took possession of the State House. The White League remained under arms for four days longer, but no resistance was anywhere offered, and the citizen-soldiers were then dismissed to their homes.

CHAPTER XVI

SUMMARY AND CONCLUSION

With the close of the reconstruction period, Louisiana ceases to have an important history independent of the rest of the country. The nation itself is a fusion of often heterogeneous elements, and its government is a welding of commonwealths that were once independent of each other. It is therefore of the highest importance to an understanding of the life, needs, and ideals of the present nation to study its individual members in their process of growth towards the forming of the complete nationality.

In the case of Louisiana one main theme is of paramount importance, and enables the historian to preserve a sort of dramatic unity in his narrative, though the very broadness of the theme must necessarily draw him far beyond the limits of mere State history into the intricacies of international policies. Throughout the present incomplete commentary, an attempt has been made to hold the local history in its relation to the broad perspective of the international events which centred about it and made the region covered by the narrative of such vast importance in the history of the growth of the United States into a single coherent world-power. Viewed from this point, the history of Louisiana, including, as it must of necessity in its earlier portions, the whole Mississippi Valley and the coast of the Gulf of Mexico, is seen to be a central episode, a climax, as it were, in the larger history of the migration of the Anglo-Saxon race towards the lure of the West; for in this progress Louisiana stood first as a foreign bulwark

against the march of the race and its national development, and then finally served, in its acquisition, as a precedent for the subsequent policy of the country and the very means whereby full territorial expansion was attained and secured and the binding rule of one common government stretched from ocean to ocean. Through the huge struggle between France and England, between the new United States and Spain, in the period of national formation, when sectional differences were strong enough to disrupt the yet loose and unwieldy Union, and throughout the progress of the Civil War, the Mississippi Valley and the unique Latin settlement at its mouth held the balance which weighed the fate of the true nationality of the Federation of States.

With the close of the Civil War, Louisiana should have assumed a place in the newly re-formed Union and ceased to have an individual history; but the process of reconstruction arbitrarily isolated it for a time and prolonged the unhappy story.

With the close of this period, however, our narrative reaches a point where the State assumes a normal position among the States of the Union. Its record, henceforth, is of progress, improvement, the extension of public education, industries, and commerce, the ordinary life which is essentially cast along the same lines throughout the country. The energies of the people have been bent upon a new reconstruction — the reconstruction of its demoralized civilization to fit the changed conditions and to restore the prosperity which had been banished by war and the greater devastation that followed in the traces of war.

The old order of things has passed away in Louisiana. There is much to be regretted in all of this, but the progress of the State is now in the direction in which the current of American tendencies has set, and Louisiana may hope to claim her full share of the material prosperity which seems to be at once the aim and destiny

of the country. The time seems come when new conditions combine to restore, with an added importance not foreseen even by those dreamers who first won the land from the savage forces of nature, all those advantages of position at the gateway of the golden valley of the Mississippi which the passing of the steamboat and the rivalry and triumph of the railroad for a time deprived of fulfillment. That distant possibility which Decrès hinted to Napoleon has become so great a necessity as to be practically a reality, and the opening of a canal across the Isthmus of Panama promises to make New Orleans the port of exit and entry between the United States and the open field of South America. Standing as the one large city at the centre of the line of traffic, also, between East and West, New Orleans, in the newer and vaster commerce of the world, should hold a position similar to that of Venice and Genoa in the Middle Ages.

Thus, after recording the black years of failure and ruin, of struggle and disappointment, the chronicler of the State may close his narrative almost with the traditional tag of all good fairy-tales. The labor and the process by which order has been wrought from chaos and prosperity wrung from the ruin of war and ravening plunder may be passed over in a word, for it is but the daily record of the daily duty done with courage and hope and determination. Its true history is in the lives and work of the white men and women striving at first for sheer existence and then, as the race will always strive, for the dominance of that civilization which has made its own power and right to rule wherever destiny has driven it. This story of the State may then well close with the record of the last act by which the people hope to provide a solution of the chief political problem that still confronted them during this last self-reconstruction.

It has been seen how the problems which the presence of an inferior race at the heart of the white civilization seems to threaten had been held in abeyance by

the system of slavery. It has been seen also what attempt was made, after emancipation, to regulate the mass of helpless freedmen by legislation till time and training should fit them to assume the responsibility and danger of competition, unaided, with the superior whites. It has been seen, too, that the fatal mistake of giving the suffrage to these unprepared freedmen was a blunder which accomplished none of its purposes and served only to create a hitherto unknown hostility between the races and fling upon the impoverished South the burden of a large class of criminals and paupers who were the abject tools of white and mulatto schemers. Since 1862, when Butler first set foot in New Orleans, the State had endured loss by bloodshed, fire, pillage, robbery, confiscation, disfranchisement of its best citizens, and political slavery. For over ten years, the people, ruined, oppressed, taxed to the point of actual starvation, and humiliated by an infinity of petty insults that find no place in history, had been bled by political speculators, had suffered from the experiments of fanatical and impractical philanthropists, and had borne the slow horror of seeing the pride of their race, the honor of their civilization, and the sanctity of their women endangered by the brute weight of the black incubus. With that weight thrown off by a turn of fortune, it is not to be wondered at that the white men of the South united indissolubly to prevent the recurrence of those years of disaster. The one palpable necessity had been to eliminate the ignorant negro from politics and prevent his use by those who stooped to use him. This could be done at first only by force and by methods which were in themselves theoretically illegal, however necessary they might be because of the danger to all that the white race holds as the hard-won glory of its long history. The negro himself, passive and uncaring as he is by nature, could be held in this position by the same force which put him there. There was no instance where the pure negro, left to himself, was anything but docile

and content to remain untroubled by aspirations or responsibilities. He had been demoralized, however, by the political debauch into which he had been led, and his degeneracy had been alarming. The sort of education thrust upon him by well-meaning but impractical philanthropy had been unsuited to his needs and had served only to give him false ideas of his actual political and social position. He had abandoned almost all the trades of which under slavery he held practically a monopoly in the South, and was becoming more and more unsatisfactory even as a field laborer. The class of idle, vicious, and useless negroes has steadily increased since the war. Driven from the country districts, they flocked into the larger towns and formed there an ever-increasing class for the propagation of crime, beggary, and disease. This ignorant mass was fit prey for the mulatto preacher and mulatto agitator. The Charles riots in New Orleans were but one of the more spectacular and illuminating results of such conditions. Statutory provision was felt to be necessary to provide for the twofold aspect of the problem, namely, to give the negro every chance to become a useful citizen if he meant to do so by honest endeavor and by practical evidence of his fitness, and at the same time to prevent the still ignorant and vicious from becoming material that could be used by political agitators.

The State Constitutional Convention of 1898 attempted to deal with this question by limiting the suffrage, putting it upon an educational or property-holding basis, at the same time providing for negro education, as the South has always done, by voluntary taxation of white property even in the face of its own dire poverty when that poverty stared with the face of hunger. The privilege of voting was made conditional upon the payment of the annual poll tax of one dollar for the two years preceding the election in question, upon the ability of the applicant to read and write, or upon the possession of property valued at not less than

three hundred dollars on the assessment rolls. There is no discrimination here against the negro on grounds of race or color. Those who are entitled to the suffrage under these conditions can and do vote. The "grandfather clause" added to the above provisions grants exemption from the educational or property qualification in the cases of male persons who were entitled to vote in any State on or prior to the first of January, 1867, or any male person of proper age whose father or grandfather was entitled to vote in any part of the United States at that time. Persons claiming this exemption, however, were required to make application before September 1, 1898, or be forever denied the right to do so.

This much-mooted exemption is in the nature of a compromise, and is regretted by many who were prepared to go as far in the restriction of the suffrage as so advanced a State as Massachusetts. While this clause admits whites who would not be otherwise entitled to the suffrage, it also admits a number of negroes. It was designed to cover certain special conditions, and will scarcely be perpetuated. If, therefore, the negro is capable of making an honest endeavor to qualify himself, and if he indeed possess the aspirations with which his idealistic champions have credited him, these restrictions upon the suffrage should affect him as they affect disfranchised whites — as an incentive to self-development and a test of practical fitness for the privilege.

It is the belief of the people of the State, and of the whole South, that the negro question has been made by the white and mulatto politician and by the ill-considered interference of persons who do not know the true conditions, and that by preventing the influence of these factors the docile and passive negro will be no problem whatsoever. The menace of outside influence, however, tending to prevent the negro from working out his economic place by his own development, will continue

the feeling of hostility between the races which it originally created by the blunders of Reconstruction. The war taught both North and South a mutual respect, and such wounds as it left would have been quickly healed had the war ended with Lee's surrender. Unhappily the war in the open field ended only to give place to a more bitter war waged by a faction of the Republican party — while the eyes of just men at the North were yet blinded to the truth and even to the realities of the sufferings of their own race — against a helpless and broken people who had laid down their arms in honor and good faith after defeat in a cause which they held sacred. This later war, which seemed to be a war of extermination, left wounds which generations may heal with difficulty. The methods of that war destroyed good faith and confidence. The slightest stirring of the old issues, that should be allowed to settle themselves through gradual process of change, is sufficient to arouse all the bitterness still left behind by the memories of those dark days of indignity and despair. Every instinct that is the sacred heritage of our race bound the Southern white men together in the desperate struggle for freedom; and the memory of that time, the distrust engendered by that long rule of injustice, have made inflexible the determination that no shadow of those black years shall ever darken the prosperity of the present or the future. And no one who reads with fair mind even the bare record of these incomplete pages can wonder.

INDEX

Abell, Judge, 354, 355, 362.
Abolition, 325, 326, 331.
Abolitionists, 296–298.
Acaanibas, 44.
Acadians, arrive in Louisiana, 104, 105.
Acquisition, of Louisiana by Spain, 102; by United States, 178 ff.; by France from Spain, 179–184; opposition in Congress, 215 ff.
Adair, General, 232, 243, 246, 273.
Adams, John, 176–178.
Adams, J. Q., 216, 217.
Agriculture, 41, 70, 74, 91, 92, 199–204, 330.
Alabamas (Alibamons), 68, 153.
Alba, Duke of, 116.
Alexander VI, Pope, Bull of Demarcation, 2.
Alibamons, see Alabamas.
Allen, Governor Henry W., 328, 335; farewell address, 335–337.
Allouez, Father, 11.
Almonaster, Andres, 130, 160.
Amendment, Thirteenth, 334; Fourteenth, 347, 351, 357, 359, 360, 362, 366; Fifteenth, 367.
America, European claims in, 2, 3.
American Revolution, Spanish part in, 138 ff.
"Americans," Creole idea of, 157.
Antoine, C. C., 372, 387.
Antoine, Père (Antonio de Sedella), 205, 207.
Apalache Bay, 25.
Apalachicola Bay, 26.
Architecture, Spanish style replaces French, 160, 161.
Arroyo Hondo (Bayou Funda), 237.
Aubry, 105, 106, 109, 111–115, 117–123, 125, 126.
Austrian Succession, War of, 90.

Baird, General, 355–357.
Baker, Joshua, 363.
Baker, Captain, 274.
"Bankomania," 287.
Banks, General N. P., 321, 325, 326, 328; Tèche campaign, 323, 324; attacks Port Hudson, 324; defeated by Taylor, 329; labor laws for freedmen, 329, 330, 333.
Baratarian pirates, 256 ff., 264; in battle of New Orleans, 271 ff.
Bastrop, Baron de, 170.
Bastrop grant, 244.
Baton Rouge, 33, 228, 229, 234; captured by Galvez, 145; held by Spain, 153; capital of State, 288; captured by Farragut, 320.
Battle of New Orleans, 269 ff.
Bayou Funda (Arroyo Hondo), 237.
Bayou Manchac, 36.
Bayou St. Jean, 41, 66, 70.
Bayougoulas, 30, 31, 35.
Beaujeu, Sieur de, 17.
Beauregard, G. T., 288, 289, 308.
Behan, W. J., 376, 379.
Bell, John, 303–305.
Belle Isle, 199.
Béluche, 259, 272, 274.
Benjamin, Judah P., 333.
Bernadotte, 183.
Berthier, 180, 181.
Bienville, Céloron de, 97.
Bienville, Jean Baptiste Le Moyne, Sieur de, 26, 30, 31, 33, 36, 38, 40, 47–49, 61–63, 65, 197; deceives English, 41, 42; explores Red River, 42–44; assumes command, 46; builds Fort Louis on Mobile River, 46; superseded by Cadillac, 53; first war with Natchez, 54, 55; takes command, 55; superseded by De l'Épinay, 55; has government removed to New Orleans, 68; second war with Natchez, 73, 74; promulgates Code Noir, 74–79; charges against, 79; dismissed from office, 79, 80; made royal gov-

ernor, 87; returns to Louisiana, 88; attacks Chickasaws, 88, 89; second campaign against Chickasaws, 89, 90; resigns, 89, 90; appealed to by revolutionists, 107, 108.
Bienville, Noyan de, 115, 122.
Biloxi Bay, first government headquarters, 38; government seat removed, 46, 47; restored, 64; old fort burned, 65; present site made capital, 65.
Black Code, see Code Noir.
Blennerhasset, Harman, 245.
Boisblanc, 107, 122, 124, 125.
Boisbriant, Sieur de, 39, 79.
Bollman, Eric, 243.
Bonaparte, Lucien, 181, 182.
Bonaparte, Napoleon, see Napoleon.
Boré, Etienne de, 194, 199, 200, 203, 223.
Bouligny, Francisco, 118, 176.
Boundaries, extent claimed for France by La Salle, 15; of French colonies on west, Marbois' view, 67; at cession from France to Spain, 102; at end of American Revolution, 149; between Spanish Floridas and United States, settled, 172, 173; of territory ceded back to France by Spain, 184; Spanish claim West Florida, 190; of territory purchased by United States of Napoleon, 194; of French territory transferred to United States, discussed, 197–199; United States claim West Florida, 221; between territory of Orleans and Mississippi territory, 222; boundaries not recognized by Spanish, 228, 229; West Florida disputes, 247 ff.; boundaries of present State of Louisiana, 250, 251; by treaty of 1819, 285.
Boutwell, G. S., 344, 346.
Boyer, B. M., 357.
Bradford, editor of the "New Orleans Gazette," 232, 233, 235, 243.
Bragg, Braxton, 308.
Breckenridge, John, 217, 218.
Breckenridge, John C., 304, 305.
Brown, James, 246, 247.
Bruns, J. Dixon, 377.
Buccarelly, Antonio, 116, 131.
Buchanan, General R. C., 365, 366.
Bullitt, Colonel Alexander, 161.
Burling, Walter, 240.
Burr, Aaron, 152, 171, 177, 231–234, 236, 239, 240, 244, 245; visits New Orleans, 230.
Burr Conspiracy, 222 ff.
Butler, Benjamin F., 311, 312; occupies New Orleans, 313; military government, 314; confiscations, 315, 316; arms slaves, 316, 317; frauds of, 317–319; military operations of, 320; orders election, 320, 321; removed, 321.

Cabildo, 129, 131, 132, 189, 195, 222.
Cabildo house built, 160.
Cabot, 2.
Caddoes, 43.
Cadillac, Lamothe, 53; antagonizes Indians, 54; recalled, 55.
Campbell, General John, 143, 147.
Canada, 3, 5, 6–15, 18, 19, 21, 24, 38, 70, 94, 96, 99, 100, 101, 103, 116, 142, 143, 180; ceded to England, 102.
Capital, of colony at Biloxi Bay, 38; removed to Mobile, 46, 47; reëstablished at Biloxi Bay, 64; new site on Biloxi Bay, 65; removed to New Orleans, 68; removed from New Orleans to Donaldsonville, 286; reestablished in New Orleans, 286; established at Baton Rouge, 288; Confederate government at Shreveport, 320; Federal capital at New Orleans, 314.
Capuchins, 68, 69, 99, 130, 134, 205; their convent burned, 160.
Caresse, Pierre, 107, 122, 124.
Carlos III, 101.
Carlos IV, 181, 205.
Carmelites, 68, 69.
Carmichael, William, 166.
Carolina, North, 155.
Carondelet, Baron de, succeeds Miró as governor, 167; allows navigation restrictions to lapse, 167; trouble with revolutionists, 167 ff.; forbids importation of slaves, 172; retires, 174; his work described by Robin, 208, 209.
Carroll, General, 269, 273, 274.
Casa Calvo, Marquis de, governor of Louisiana, *ad interim*, 176, 177, 189, 190, 228.
Cavelier, Jean, 17, 18, 20, 21.
Census, first, of New Orleans, 62; by De Vaudreuil, 92, 93; by Ulloa, 109; by O'Reilly, 127.
Cession, of territory east of Mississippi River by France to England, 102; of

Floridas to England by Spain, 102; of Louisiana by France to Spain, 102; by Spain to France, 182, 183; of Louisiana and West Florida to United States, 193, 194; of Louisiana to United States debated in Congress, 215 ff.; Northern States oppose, 216 ff.; ratified by Congress, 221.
Charity Hospital of St. Charles, 160.
Charles V, 2, 3.
Charleston, company formed at, to settle on Mississippi River, 164.
Charlevoix, Father, 71, 74, 201.
Chasteaumorant, Joubert de, 25, 27.
Châteauguay, 39, 50.
Chépart, 83, 84.
Chickasaws, 88–90, 153; hostility of, 73; aid the Natchez against French, 85, 86.
Choctaws, 153, 269; friendly to French, 85; influenced by English, 95.
Choiseul, Duc de, 101, 108.
Cirilo, Padre, 134.
Citizenship, rights of Louisianians to, under Act of Cession, 194, 219, 220.
Civil Code, 246, 247.
Civil War in Louisiana, 308 ff.
Claiborne, W. C. C., 185, 222–225, 227, 230, 231, 233–235, 238, 241–246, 256, 260, 262, 263, 279–281; provisional American governor of Louisiana, 195; takes possession for United States, 195, 196; elected first governor of State, 251; resigns office, 284.
Clark, Daniel, 195, 223, 230, 231.
Clark, George Rogers, 142, 143, 147, 169.
Cochrane, Admiral, 267, 281.
Code Noir (Black Code), 128, 171, 195; digest of, 74–79.
Code O'Reilly, 127–130, 132, 133.
Coffee, General, 269, 273–275.
Colbert, Jean Baptiste, 11, 12.
Coleridge, S. T., opinion on stability of Union, 290.
College of Orleans, 285, 286.
Collot, General, 175, 180, 208, 209.
Compagnie des Indes, 59 ff. See Mississippi Company.
Company of the West founded, 57.
Confederate States, Constitution adopted, 306; defeat of, 335.
Conflagration of 1788, in New Orleans, 159.
Congress, 155, 161, 162; petitioned to obtain Mississippi Valley, 185; urges Jefferson to oppose Napoleon, 187; debates over Louisiana purchase, 215 ff.; ratifies Jefferson's purchase of Louisiana, 221; disapproves Lincoln's plan of reconstruction, 332; passes Thirteenth Amendment, 334; reconstruction acts of, 344 ff.; Fourteenth Amendment. 348–351; Investigating Committee of 1866, 357; Reconstruction Bill, 359–361; orders military rule, 359, 360; Investigating Committee of 1872, 370, 371; Second Investigating Committee of 1872, 375; Investigating Committee of 1874, 382, 384, 385; Wheeler Adjustment, 386; settles Hayes-Tilden election, 391; McVeagh commission, 392.
Connelly, British agent, 163.
Constitution (of United States), in relation to Louisiana purchase, 217–220.
Constitution (State) of 1812, 250; of 1852, 288; of 1852, remodelled, 306; of 1864, 330, 331, 348; attempt to reassemble Convention of 1864, 353–357; of 1868, 363–365; of 1898, 397, 398.
Consul, first United States, at New Orleans, 175.
Cordero, Governor, 233, 235–237.
Coureurs de bois, 7, 8.
Crozat, Antoine, leases the colony, 52; charter of, 52, 53; colonial government of, 53; condition of colony under, 53, 54; abandons his charter, 55.
Currency, colonial, 71, 72, 86, 93.
Cushing, Colonel, 234, 237, 238.

D'Abadie, 103, 104; death of, 105.
Dagobert, Father, 112, 130, 134.
Danville convention, 162.
D'Aquin, Major, 269, 274.
D'Arensbourg, Chevalier, 107.
D'Argès, 158, 162, 163.
D'Artaguette, Diron, 50, 51, 89.
D'Artaguette (the younger), 89.
D'Aunoy, 139.
Dauphin (Massacre) Island, 47.
Davis, Jefferson, 303.
Davis, H. W., 332.
Decrès, Minister of Marine, 183; his prophecy, 191, 192.
De Garay, Francis, 3.

De Graff, Laurent, 25.
De la Chaise, 79, 107.
Delaronde, 275.
De Lassus, Carlos Dehault, 248, 249.
De Lemos, Gayoso, becomes governor of Louisiana, 174, 175; death of, 176.
De Leon, Ponce, 3.
De l'Epinay, 55.
De Luna, Tristan, 4.
Demarcation, Bull of, by Pope Alexander VI, 2.
Democratic Club, 169.
Denison, George, correspondence with Secretary Chase, 318, 319, 321.
De Noyan, Jean Baptiste, 107, 115, 122, 124.
Derbigny, Pierre, 247, 286.
De Soto, Hernando, 4.
Despau, Charles, 169.
D'Estrée, Comte, 16.
De Vaca, Cabeza, 3, 4.
Disfranchisement of Confederates, 327, 360–365; Johnson's proclamation of amnesty, 342.
Dollier de Casson, 12.
Donaldsonville made State capital, 286.
Dostie, A. P., 354, 357.
Douay, Father, 18, 25, 27.
Doucet, J. J., 112, 122, 124, 125.
Douglas, Stephen A., 303–305.
Dunn, Major Isaac, 161.
Du Pratz, Le Page, 62, 64, 66.
Durant, T. J., 331, 362.
Durell, Judge, 353, 373; midnight order of, 374.
Dutch War, 13.
Duvergier, 68.

Ecclesiastical divisions, 68, 69.
Education in Louisiana, 285, 286.
Eliot, T. D., 357.
Ellicott, Andrew, 174.
Embargo, 259.
Emory, General W. H., 370, 375, 380, 381.
Enforcement Act, 253.
English, claim to North America, 2; method of colonization, 5, 6; plan to colonize Mississippi Valley, 23, 24, 38; expedition to Mississippi, 41; traders' influence upon Indians, 47, 48, 53, 88, 95, 97; obtain territory east of Mississippi River from France, 102; occupy ceded territory of Spain and France, 103; colonies, growth of, 103, 104; Spanish against, in American Revolution, 138; plan to seize Louisiana in American Revolution, 142 ff.; cede Floridas to Spain, 149; cede western territory to United States, 149; threaten invasion, 166; dependence of United States upon alliance with, 184, 185, 188; war of 1812, 252 ff.; before New Orleans, 269 ff.
Espiritu Santo, Rio del, 3.
Etruria, 184.
Everett, Edward, 303.
Expansion, 287 ff. See also "Spanish," "French," "United States," and "Louisiana."
Exploration, see "Spanish," "English," "French."

Farragut, Admiral, 311; at New Orleans, 312; captures Baton Rouge, 320.
Federal Government, 156, 163; weakness of, 155; unpopular in Kentucky, 168; citizen Genet opposes, 169; greater confidence of West in, 172, 173; sees necessity of Mississippi and firm attitude towards Spain, 176.
Ferdinand VII, 249.
Fessenden, William Pitt, 347.
Filibusters, French, in Gulf of Mexico, 16.
Filles à la cassette, 82, 83.
Flanders, B. F., 328, 362.
Flaujac, General de, 274.
Floridas, 163, 180, 232; Spanish in, 3 ff.; design of Galvez to seize, 140; United States offers to buy, 186; Jackson's raid settles boundaries, 285.
Florida parishes, 251.
Florida, West, 158, 221, 228, 229; Americans demand cession from Spain, 166; incorporated with Louisiana, 247 ff.; occupied by United States in War of 1812, 254, 256.
Flournoy, General, 255, 260.
Folch, Governor, 248, 249.
Fort Bute, 103.
Fort Charlotte, 103.
Fort Condé, 103.
Fort Louis de la Louisiane, founded on Mobile River, 46; abandoned, 50.
Fort Nogales, 175.

Fort Panmure, 103, 175.
Fort Prudhomme, 15.
Fort Rosalie, 55, 83, 84.
Fort St. George, 103.
Fort St. Louis of Texas, 17.
Foster, Charles, 382.
Foucault, 114, 117, 121, 122.
Frankland, State of, 155.
Frederick the Great, 98.
Freedmen, 195, 203, 269, 326; Banks's labor laws, 329, 330, 333; demoralization of, 337–340; celebrate abolition, 340–342; Fourteenth Amendment, 348–351; Freedmen's Bureau Act, 351, 352; privileges under Constitution of 1868, 363–365; Union League, 366; effect of politics upon, 396; suffrage restricted, 397, 398.
Freedmen's Bureau, 330, 337–340, 347, 351, 352.
Freeman, Colonel, 237, 238.
French, rivals of English, 2, 3; established in Canada, 5; character of settlements, 5–10; explorations of Northwest, 10 ff.; colonial policy, 14, 15; in Gulf of Mexico, 16 ff., 22–25 ff.; colonization of Louisiana, 38 ff.; neglect of colonies, 45, 46; difficulties with English traders, 47, 48, 53, 73, 88, 95, 97; weakness of colonies, 97, 98; final defeat, 102; yield territory to English, 102, 103; cede Louisiana to Spain, 102; revolutionists in Louisiana, 167 ff.; efforts to regain Louisiana, 179; plans to occupy Louisiana, 182 ff.; obtain Louisiana from Spain, 183, 184; Louisiana transferred to, 194; negotiations with United States, 180–194; transfer Louisiana to United States, 195, 196; influence upon Louisiana, 204 ff.
French and Indian War, 96–100.
Frontenac, Count, 13.
Fuentes, Count de, 116.
Fur trade, influence upon exploration, 6.

Gallatin, Albert, 179.
Gallinée, Father, 12.
Galvez, Bernardo de, 137–141, 143, 144, 148, 149, 152; captures Manchac, Baton Rouge, and Natchez, 145; captures Mobile, 146; captures Pensacola, 147.
Gambio, 259.
Gardoqui, Diego, 152, 158, 159, 162–164.
Gayarré, Charles, interview with Seward, 358.
Gayarré, Contador, 113, 118.
Genet, Citizen, 169.
Gens de Couleur, see Mulatto.
George III, 101, 142, 149.
Gérard, Conrad Alexander, 150.
Ghent, treaty of, 270.
Gibbs, General, 275, 276.
Godoy, Manuel, 172, 181, 182.
Grand Alliance, 21, 47.
Grande Isle, 257.
Grande Terre, 257.
"Grandfather clause," 398.
Grandpré, Charles de, 175.
Grandpré, Louis de, 249.
Grant, General U. S., 343–345, 347, 365, 371, 373–375, 380–382, 385, 386, 388, 392.
Grimaldi, Marquis de, 116.
Groseilliers, Sieur de, 11.
Grymes, John R., 261.
Guion, Captain, 175.
Gulf of Mexico, Spanish settlement on, 4; Spanish claims, 15, 16; French claims, 16 ff.

Hachard, Madeleine, description of New Orleans, 81, 82.
Hahn, Michael, 328, 330, 331, 343, 354, 357, 383, 384, 386.
Haldimand, General, 143.
Hall, Judge, 223, 243, 282, 283.
Hancock, General W. S., 363, 365.
Hayes, R. B., 387, 390–392.
Hébert, Paul, 288.
Hennepin, Father, 23, 24, 26, 29, 31, 38, 41.
Herrera, General, 233–235, 237.
Hillhouse, James, 216.
Hind, Major, 269.
Houmas, the, 31, 33–35.
Howard, General Oliver O., 337, 351.
Howell, R. K., 353, 357.
Huger, Isaac, 164.
Humbert, General, 278.
Humphreys, Captain, 273.

Iberville, Pierre Le Moyne, Sieur d', 24–26; at Mobile Bay, 26; ascends Mississippi, 30 ff.; at Pointe Coupée, 33; at the Houmas, 34; discovers Lakes Maurepas and Pontchartrain,

36; builds Fort Maurepas at Biloxi Bay, 38; plan of colonization, 38 ff.; second voyage, 40; at the Tensas, 42; illness, 44; returns to France, 44; third voyage, 46; Fort Louis founded on Mobile River, 46; in War of Spanish Succession, 47; death of, 50.
Ichuse, Bay of, 4.
Indians, of Louisiana described, 32 ff.; ceremonies of, 34, 35; first hostility of, 48, 49; outbreaks, 73, 74; union against French, 83, 84; convention of friendly tribes, 90; Kerlérec's troubles with, 94, 95.
Innis, Henry, 161, 170.
Inquisition in Louisiana, 205 ff.
Island of Orleans, see Orleans.

Jackson, Andrew, 230, 232, 245, 264, 266, 269, 272, 275, 276; campaign in West Florida, 256; arrives in New Orleans, 265; victory over British, 277; usurpation of civil authority, 278–283; in Florida war, 285.
Jacobin Club of Philadelphia sends proclamation to Louisiana, 169.
Jay, John, 150–152.
Jefferson, Thomas, 166, 177, 178, 186, 215, 229, 232, 233, 236, 238, 246, 248, 253; character and policy, 179; decision in regard to Louisiana, 184, 185.
Jesuits, missionaries as explorers, 6, 8–10, 68, 69, 80, 92, 99, 198.
Jews, excluded from colony, 75.
Johnson, Andrew, 342, 344, 345, 348, 354, 355.
Johnson, Henry, 286.
Johnson, Isaac, 287, 288.
Joliet, Louis, 13.
Jones, Lieutenant Catesby, 266, 267.
Joutel, 17, 18, 24.

Keane, General, 266, 267, 275, 276.
Kellogg, W. P., 373, 375–378, 380–382, 384, 386, 387, 390, 391.
Kentucky, 156, 158; demands separation from Virginia, 155; trade with Louisiana allowed, 160–164; opposition to Federal government, 168; influence of Genet, 169.
Kerlérec, 94, 98–100, 103.
King, Rufus, 180, 181.
King William's War, 21.
Ku-Klux-Klan, 366.

Lacoste, Major, 274.
Lafitte, Jean and Pierre, 258 ff.; in Texas, 285.
Lafrénière, Nicholas de, 107, 112, 113, 118, 120, 122, 124, 125.
La Harpe, 66, 67, 74, 80, 199.
Lake Lovelace, defeat of the Natchez at, 85, 86.
Lambert, General, 276–278.
Lane, Joseph, 304.
La Salle, Commissary, disputes with Bienville, 49.
La Salle, Robert Cavelier, Sieur de, 16, 17, 21–23, 25, 29, 36, 39, 40, 198; first explorations in Ohio valley, 12; his plans, 13, 14; expedition to the Mississippi, 14; reaches mouth of river, 15; death of, 18, 20.
La Tour, 66, 79.
Latour, Carrière, 262, 263.
Laussat, 189, 190, 194–196.
La Vente, Curé, disputes with Bienville, 49.
Law, John, 57, 200, 201; bank established, 57; founds Company of the West, 57; financial and colonial schemes, 57–61; failure, 63, 64; expelled from France, 65.
Le Clerc, Father, 25, 29, 35.
Le Clerc, General, 182, 183.
Lemaire, Father, testimony on western boundary of Louisiana, 198.
Le Moyne, Jean Baptiste, see Bienville.
Le Moyne, Louis, see Châteauguay.
Le Moyne, Pierre, see Iberville.
Lesassier, 107, 114.
Le Sueur, Pierre, 39, 45, 85.
Lincoln, Abraham, 304, 305, 330–332, 334, 342; on right to secede, 302, 303.
Lislet, Moreau, 246, 247.
Little Manchac, 103.
Livingston, Edward, 243, 247, 261, 263.
Livingston, Robert R., 180, 181, 186, 188, 192–194.
Longstreet, General James, 379.
Loubois, defeats the Natchez, 85.
Louis XIV, 5, 10, 13, 46, 47, 52, 55, 56.
Louis XV, 55, 106, 107, 111, 113, 130.
Louis XVI, 167.
Louis, Jean, founds charity hospital, 160.
Louisiana, possession taken by La Salle, 15; English plan to colonize, 23, 24, 28; Iberville's expedition, 25 ff.; colonization by French, 38 ff.; Eng-

lish expedition to, 41; under Crozat, 52 ff.; under Law's Mississippi Company, 57 ff.; negro slaves introduced, 64; divided into districts, 68; ecclesiastical divisions of, 68, 69; currency, 71, 72, 86; a royal province, 87; agriculture and trade under De Vaudreuil, 91, 93; during French and Indian War, 96–100; a burden to France, 100–102; ceded to Spain, 102; English trade with, 103; discontent of people, 106; trade laws of Ulloa, 109, 110; Spanish laws, 127–130; Spanish trade regulations, 130, 131, 135–137; division into upper and lower provinces by Spanish, 133; trade with English colonies, 136; in American Revolution, 138 ff.; English plan to seize, 142 ff.; intrigues with western States, 155 ff.; danger of English invasion, 166; Americans demand New Orleans, 166; church separated from Canada, 168; efforts of Napoleon to regain, 179 ff.; ceded to France, 183; Napoleon's plan to occupy, 182 ff.; Congress wishes to invade, 187; prepares to receive French, 189; Laussat's reception in, 189, 190; treaty of purchase by United States, 193, 194; Laussat takes possession, 194; act of transfer to United States, 195, 196; description of, 197 ff.; French and Spanish influence upon, 204 ff.; Spanish church and Inquisition in, 205 ff.; effect of Spanish government in, 213, 214; territorial government under United States, 222–224; discontent with new government, 224–227; divided into parishes, 227, 228; boundary disputes, 228, 229; the Burr conspiracy, 230 ff.; West Florida disputes, 247 ff.; admitted to Union, 250; Constitution of 1812, 250; boundaries of present State, 250, 251; war of 1812, 252 ff.; boundary treaties of 1818, 285; importance in Civil War, 308 ff.; Farragut's campaign, 311 ff.; Butler's military operations, 320 ff.; Lincoln's plan of reconstruction, 322, 323; civil government organized by Union party, 328; Confederate state election, 328; under Congressional reconstruction, 334 ff.; Confederate forces surrender, 335; condition after war, 337, 340–343; Democratic majority, 343; under military rule, 362 ff.; end of military rule, 366; Caucasian Clubs and White League, 366, 367; fight against "carpet-bag" rule, 367 ff.; frauds of officials, 367–369; Congressional Committee investigates frauds, 370, 371; White League acts, 376 ff.; destruction of "carpet-bag" government, 387–392; summary of history, 393 ff.

Louisiana, District of, 222.

Lovell, General Mansfield, 310, 312, 313.

Loyola, officer under Ulloa, 113, 118.

Lynch, John, 372, 373.

Madison, James, 180, 181, 249, 253, 283.

Maison Rouge, Marquis de, 170.

Malbanchia, 26, 30, 37. See Mississippi River.

Mansfield, battle of, 329.

Marant, Lieutenant, 274.

Marbois, Marquis, 67, 191–194.

Marquette, Father, 15.

Marquis, Pierre, 107, 118, 122, 124.

Marr, R. H., 376, 377.

Marshall, Colonel, 162, 163.

Masan, Balthazar, 107, 122, 124, 125.

Massacre Island, 47. See Dauphin I.

Matagorda (St. Bernard) Bay, 17, 198; second attempt of French to settle at, 66.

Mather, James, 154.

Mathews, Judge, 243.

Mazarin, Cardinal, 13.

McDonough, John, 286.

McEnery, John, 372, 374, 375, 377, 378, 384, 391.

McGillivray, half-breed chief, 152.

McVeagh Commission, 392.

Meade, Cowles, 234, 241, 245.

Ménard, Father, 11.

Merry, Mr., British minister, 230, 231, 233.

Metropolitan Police, 366, 375, 378, 381.

Mexican Association, 230–232.

Mexico, Burr's plan to invade, 232; war with, 287, 288.

Milhet, Jean, 107, 108, 110–112, 119, 122, 124, 125.

Milhet, Joseph, 107, 112, 122, 124.

Minor, Estevan, 175, 238, 240.

Miró, Estevan, 152, 155, 157, 158, 160–167, 206.

Miscegenation, 298–302, 341.

Mississippi Company, 58, 59, 63–65, 86.
Mississippi River, importance to France, 3; discovered by De Soto, 4; Nicollet's report, 10; called Messipi by Allouez, 11; called Ohio by Iroquois, 12; explored by Joliet and Marquette, 13; explored by La Salle, 15; called Malbanchia by southern Indians, 26; Iberville explores, 27 ff.; called River of the Palisade, 29; settlements on, in 1722, 66; Spanish control of, 134, 135; interest of American colonies in, 135; English plan to seize, 142, 143, 147, 148; Galvez drives British from, 144–146; navigation of, by American traders, 149–156, 161, 163, 166, 167, 169, 173, 175, 176, 184; danger from France, England, and Spain to United States, 179; Napoleon's attempts to acquire, 179 ff.; danger to United States from possession by Napoleon, 184, 185; objective point in War of 1812, 254 ff.; importance in Civil War, 308 ff.; Farragut's expedition, 311 ff.; under control of Federals, 324.
Mobile, present town founded, 50, 51, 221, 223, 229; occupied by English, 103; captured by Galvez, 146; convention of Indian tribes at, 153; taken by Wilkinson, 254.
Mobile Bay explored by Iberville, 26.
Mongoulachas, 31, 35.
"Moniteur de la Louisiane," first newspaper, 168.
Monroe, James, 186, 188, 192–194.
Monroe, Mayor, 312, 315, 347, 354–356, 362.
Moore, T. O., 302, 305, 320, 333.
Morales, Ventura, 175, 176, 233; closes port of New Orleans against American trade, 184, 185.
Morgan, General David, 272, 274, 277.
Morgan, Colonel George, 139, 158.
Moultrie, General William, 164.
Mouton, Alexandre, 287, 306, 320.
Mower, General, 363.
Mulatto, 145, 195, 203, 212, 213, 340, 398; danger from, 298–302.
Mullen, Colonel, 275.
Musson, Michael, 377.
Muter, Colonel, 162, 163.

Nacogdoches, 233, 236, 237.
Napoleon, 177, 182–184, 186, 188, 190 193, 248, 253; plans to regain Louisiana, 179 ff.; obtains Louisiana and Florida, 181.
Napoleon III, 335.
Narvaez, Panfilo de, 3.
Natchez Indians, 54, 55, 73, 74, 83–86, 88; last stand, 85–86.
Natchez (town of), 103, 145, 153, 157. 174, 175, 186, 219, 228, 229, 234, 238. 243, 244.
Natchitoches, 43, 198, 228, 233, 234, 237.
Navarro, Intendant, 113, 118, 161.
Navigation, see Mississippi River and Traders.
Negro, see Freedmen and Slaves.
Negro problem, 338–340, 396–399.
Neutral Ground Treaty, 237.
New England, opposition to Louisiana acquisition, 215, 216.
New Madrid, 158.
New Orleans, 69, 80, 84, 92, 93, 96, 176, 395; founded, 61, 62; first census, 62; made seat of government, 68; described by Madeleine Hachard, 81, 82: *filles à la cassette*, 82, 83; arrival of Ulloa, 108; O'Reilly in, 119; census by O'Reilly, 127; Spanish laws, 128 ff.; Spanish trade restrictions, 130, 131; American merchants in, 138; strengthened by Galvez, 140; English plan to seize, 142 ff.; Kentuckians plan to capture, 156, 166; Carondelet fortifies, 167, 168, 208, 209; divided into wards, 167; French republicans in, 167 ff.; granted as port of deposit to Americans, 173; France desirous to regain, 175; first United States consul, 175; forbidden to American trade, 175; importance to Jefferson, 184, 185; Congress urges capture, 187; Laussat in, 189, 190; Decrès' prophecy, 191, 192; transfer to France, 194; transfer to United States, 195, 196; description at time of transfer, 204 ff.; Spanish influence on, 204–207; trade, 210 ff.; effect of Spanish government upon, 213, 214; battle of, 269 ff.; capital removed to Donaldsonville, 286; and returned to New Orleans, 286; election riots, 288, 289; strategic position in Civil War, 309 ff.; defenses, 310, 311; Farragut against, 311 ff.; Butler in, 313 ff.; military government, 314; Federal

election, 320, 321; civil government organized by Union party, 328; under Congressional reconstruction, 334 ff.; freedmen celebrate abolition, 340–343; riot of July, 1866, 355–357; White League in, 376 ff.; fight of 14th of September, 1874, 377 ff.; overthrow of "carpet-bag" rule, 387–392.
Nez Coupé, 259.
Nicholls, Colonel, 255, 262.
Nicholls, General F. T., 388, 390, 392.
Nicollet, Jean, 10.
Noailles, Sieur de, 89.
Norris, Lieutenant, 273.
Nunez, Vincente, 159.

O'Fallon, Dr. James, 165.
Ogden, David A., 243.
Ogden, General F. N., 376, 378, 379.
O'Reilly, Alexander, 116, 118–120, 122–125, 127, 129, 131.
Orleans, Duke of, 55, 56.
Orleans, Island of, 166, 180. See also New Orleans.
Orleans, Territory of, 222.
Ouachita (Washita) River, Bastrop grant on, 170.
Ouachitas, 43.

Packard, S. B., 369–372, 374, 387, 390, 392.
Pacte de famille between Bourbons of France and Spain, 101, 151.
Pakenham, Sir Edward, 270–272; attacks Jackson, 274–276.
Panama Canal, 191.
Panton, William, 154.
Panuco, 4.
Paris, Treaty of, 149.
Parish divisions, 227, 228.
Parma, Duke of, 180, 181.
Patterson, Commodore, 263, 264, 269, 271, 275.
Pauger, Sieur, 66, 67.
Peire, Major, 274.
Peñalossa, Comte de, 16.
Peñalvert, Luis de, 168, 204, 205.
Pénicaut, 51, 62.
Penn, Davidson, 372, 378, 380.
Pensacola, 26, 63; occupied by English, 103; captured by Galvez, 147.
Perdido River, 221.
Perrier, M., governor of Louisiana, 80, 84–86.
Perrot, 11.
Perry, Colonel, 274.
Petit, Joseph, 122, 124, 125.
Phelps, W. W., 382.
Philadelphia, 158, 160, 163.
Philip II, 15.
Pickering, Timothy, 216.
Piernas succeeds St. Ange, 133.
Pinchback, P. B. S., 370, 372, 374, 375, 392.
Pinckney, Thomas, 172, 180, 188.
Piñeda, Alonzo Alvarez de, 3.
Pirates of Barataria, 256 ff., 264, 271 ff.
Pitt, William, 99, 101, 104.
Plantation life in 1803, 200 ff.
Plauché, Major, 269, 274.
Plumer, William, 216.
Poindexter, John, 250.
Pointe Coupée, 33.
Pointe Coupée Parish, insurrection of slaves in, 171, 172.
Polk, Leonidas, 308.
Pollock, Oliver, 131, 139, 145, 162.
Pontalba, 180.
Pontchartrain, Comte de, 24, 36, 39, 40, 50–52.
Poor whites, 203, 204.
Population, 50, 92, 93, 109, 127; Law's attempt to increase, 60–63; disposition of immigrants, 62, 63; condition in 1722, 70–73; whites less numerous than blacks, 74; at transfer to United States, 200; French and Spanish influence upon, 204 ff.; of New Orleans from 1840 to 1860, 310.
Porter, Commander, 311, 313; Red River campaign, 324, 329.
Porter, Major, 233.
Potter, C. N., 382.
Poupet, Pierre, 107, 122, 124, 125.
Power, Thomas, 170, 173.
Poydras, Julien, 146, 171, 223, 250.
Praslin, Duc de, 114, 117.

Quadroons, 212, 213. See also Mulatto.
Queen Anne's war, 47.
Quincy, Josiah, 250.
Quinipissas, 36.

Randolph, John, 219.
Reconstruction, Lincoln's plan, 322, 323; his proclamation, 326; Congress disapproves, 332; congressional plan, 334 ff.; Fourteenth Amendment. 348–351; Seward on, 358; Reconstruction Bill, 359–361; military rule

ordered, 359, 360; operation of military rule, 362 ff.
Red River, explored by Bienville, 42–44; Banks's campaign, 329.
Rémonville, Sieur de, 21, 22, 24, 39, 50.
Rennie, Major, 276.
Republicans, French, in Louisiana, 167 ff.
Returning Board, 372–374, 381, 382, 386, 388–390.
Revolution, American, see American.
Revolution of '68, 106–114.
Revolutionists, French, in Louisiana, 166–170.
Rey, Felix del, 122, 124.
Riola, Andres de la, 26.
Robertson, Thomas B., 285, 286.
Robin's description of Louisiana, 207 ff.
Rochemore, Intendant, 98–100.
Rodriguez, 124, 125.
Roman, A. B., 286, 287.
Ross, Colonel, 263, 264, 274.
Ross, Congressman, 187, 188, 191.
Rouvilliere, Michel de la, 93.
Ryswick, treaty of, 21.

Sabine River, 233–237, 250; established as boundary, 285.
Sagean, Matthieu, 44, 45.
St. Ange, Commandant, 133.
St. Bernard's (Matagorda) Bay, 17, 66, 198.
St. Denis, 39, 54, 66, 199.
St. Domingo, 160; refugees from, 168, 171; base of Napoleon's operations against Louisiana, 182 ff.
St. Gême, Major, 273.
St. John's River, 3.
St. Louis (Mo.), capital of Upper Louisiana under Spain, 133.
Saint-Lusson, Daumon, 12.
St. Vrain, 170.
Salcedo, Juan Manuel de, 177, 185, 189, 190, 233, 235.
San Ildefonso, treaty of, 180, 181, 194.
Saut Ste. Marie, 12.
Sauvole, Sieur de, 27, 29, 36, 45; takes command of colony, 44; death of, 46.
Schurz, Carl, 347.
Sébastian, 165, 170.
Secession, of west predicted as result of Louisiana acquisition, 216; events leading to, 289–305; Webster on, 296, 297; Louisiana convention, 305–307; Lincoln on right of, 302, 303.
Seignelay, minister for the colonies, 16, 19.
Seven Years' War, 98, 180.
Sevier, John, 155.
Seward, Secretary, on Reconstruction, 358, 360.
Shelby, Governor, 169.
Shellabarger, Samuel, 347, 357.
Shepley, General, 317, 326.
Sheridan, General, 361–363, 382, 385.
Shreveport, confederate capital of State, 320.
Sinclair, Lieutenant-Governor, 143, 147.
Skipwith, Fulwar, 249.
Slaves, first African, 64; laws governing, in Code Noir, 74–79; number of, in 1700, 74; character of, 74; Spanish laws for, 128, 130; insurrection in Pointe Coupée, 171, 172; Carondelet forbids importation, 172; Code Noir, 195; condition at transfer to United States, 201, 202; danger from mulattoes, 212, 213; insurrection in 1811, 249, 250; a cause of sectional differences, 292 ff.; abolitionists, 296–298; mulattoes, 298–302; contraband of war, 316; Butler arms slaves, 316, 317; Lincoln's emancipation proclamation, 325, 326; freedom declared by State constitution of 1868, 340.
Slidell, John, 333.
Smith, General Kirby, 320, 324, 335.
Snipes, Major, 164.
Soulé, Pierre, 312, 315.
Spanish, 19, 20; early explorations, 3, 4; claims to Gulf of Mexico, 15, 16; alliance with French, 101, 102; cede the Floridas to England, 102, 103; take possession of Louisiana, 108–126; laws established in Louisiana, 127 ff.; trade with English, 136; part in American Revolution, 138 ff.; regain Floridas from English, 149; boundary questions, 149; intrigues with western States, 155 ff.; navigation and boundary questions with United States, 172, 173; war with English, 174; negotiations with Napoleon, 179 ff.; cede Louisiana to France, 183; claim West Florida, 190; influence in Louisiana, 200, 204–207; church and Inquisition, 205 ff.; public education, 213; effect of government

in Louisiana, 213, 214; boundary questions with United States, 228, 229, 247; in Burr conspiracy, 230 ff.; West Florida revolution, 247 ff.; boundary treaties of 1819, 285.
Spanish church in Louisiana, 205 ff.
Spanish succession, 45, 46; war of, 47.
Starved Rock, 15.
Stevens, Thaddeus, 332, 344, 346, 350, 359.
Stewart, Senator, on Republican policy, 346.
Suffrage, negro, suggested, 325, 326; Banks disapproves of, 326; not provided by Constitution of 1864, 330, 331; Fourteenth Amendment, 348–351; riots of 1866 concerning, 353–357, 360; granted by Constitution of 1868, 364; restricted, 397, 398; "grandfather clause," 398.
Sugar, first planted, 41; successfully granulated, 199, 200.
Sumner, Charles, 332, 346.
Superior Council, 53, 79, 109, 110, 112–114, 128, 129.
Surgères, Chevalier de, 25, 27, 36.
Swartwout, John, 236, 243.

Talapouches, 152, 153.
Talleyrand, 181, 186, 188, 192.
Talon, 11, 12.
Taylor, General Richard, 320, 324; defeats Union army at Berwick Bay, 325; and at Mansfield, 329.
Taylor, General Zachary, 287, 288.
Tchoupic, see Bayou St. Jean.
Tennessee detached from North Carolina, 155.
Tensas, 42.
Test oath, 327, 359, 362–365.
Texas, settlement by La Salle on coast of, 17–20; French claims to, 198, 199; Burr plans to invade, 232; boundary fixed, 285; annexation of, 287.
Thirty Years' War, 2.
Thomas, General Philemon, 273.
Thornton, Colonel, 274, 277.
Tilden, John, 391.
Tonti, 18–20, 31, 32, 35, 41, 42; letter to La Salle, 36; death of, 49.
Toussaint L'Ouverture, 182.
Tracy, Uriah, 216.
Trade, 48, 52–54, 66, 71, 72, 91, 93; with English, 103, 109, 110; Spanish regulations, 130, 131, 135–137; with English - American colonies and United States, 135–138, 149–175; local, 199, 210, 211, 395.
Traders, American, 135–137; navigation of Mississippi by, 149–153, 155; use New Orleans as port of deposit, 175.
Traders, English, influence upon Indians, 48, 49, 53, 73, 88, 91, 92, 95, 97; at New Orleans, 103; restricted by Spanish, 130, 131.
Tuscany, 180, 181; duke of, 184.

Ulloa, Antonio de, 108–116, 118, 119, 123, 190.
Union, different interests of sections, 178, 179.
Union League, 366.
United States, obtain territory east of Mississippi, 149; southern boundary, 149, 150; discontent of western States, 155–158; navigation disputes with Spain, 172, 173; condition at Jefferson's election, 178 ff.; seek to acquire New Orleans from Napoleon, 180; possible alliance with England, 184, 185; offer to buy New Orleans and Florida, 186; purchase Louisiana, 193, 194; a Napoleonic nation, 197; condition at acquisition of Louisiana, 214 ff.; views of Louisiana purchase, 215 ff.; acquire West Florida, 248 ff.; sectional differences, 289–307.
Unzaga, Louis de, 127, 131, 134, 137.
Ursulines, 80–83, 130, 189.
Utrecht, Peace of, 54.

Vaudreuil, Marquis de, 90–94, 97, 100, 101.
Victor, General, 183, 188, 190.
Vidal, José, 176.
Villars, 139.
Villeré, Jacques, 263, 264, 284.
Villeré, Joseph, 107, 121, 122, 124.
Villeré, Major, escape from British, 268.
Virginia, 155.
Voorhies, Albert, 343, 354, 355, 363.

Wade, Benjamin, 332.
Walker, Joseph, 288.
War of 1812, 252 ff.
Warmoth, H. C., 365, 367–370, 372, 373, 375.

Washington, President, administration of, 164, 173.
Washita (Ouachita), Bastrop grant on, 170, 244, 245.
Watkins, John, 223, 231.
Wayne, Anthony, 173.
Wells, J. Madison, 328, 333, 343, 354, 362, 381.
Western States, discontent of, 155; plan to capture New Orleans, 176; petition to Congress, 185; interest in Louisiana, 215.
Westphalia, Peace of, 5.
Wheeler Adjustment, 386.
White, Congressman, 216.
White, E. D., 287.
White Apple, Natchez village, 83, 85.
White Camelia, League of the, 367.
White League, 367, 376–380, 392.
Wickliffe, R. C., 288, 289, 302.
Wilkinson, James, 156, 159–162, 164, 165, 169, 170; visits New Orleans, 156–158; commander of army, 173; 175, 176, 195, 228, 230–232, 234, 235, 237–246, 254.
Wilkinson, Major, 276.
William III, 38, 47; plan to colonize Mississippi Valley, 23.
Williams, Governor, 242, 246.
Williamson, John, 243.
Willing, Captain, 139, 140.
Wilson, Henry, 346.
Wiltz, L. A., 382–384, 386, 388.
Women, first sent to Louisiana, 49; disreputable class of sent out by Law, 60; unfitness of these, 80; *filles à la cassette*, 82, 83.
Wood, claim to discovery of Mississippi River, 41.
Workman, Judge, 231, 243.

Yancey, W. L., 304.
Yellow fever introduced from Havana, 49.
You, Dominique, 259, 266, 272, 274.
Yrujo, 233.

F369 .P53
Louisiana; a record of expansion,
Princeton Theological Seminary-Speer Library
1 1012 00024 6084